



Programs & Services Committee Report

City of Newton In City Council

Wednesday, June 7, 2017

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

Absent: Councilors Baker and Leary

Also Present: Councilors Norton, Fuller and Harney

City Staff Present: Phil McNulty (Director, Newton Free Library), James Freas (Deputy Director, Planning Dept.), Deb Youngblood (Commissioner, Health and Human Services), Mitch Baker (Inspector, Weights and Measures) Eileen Keane (Director of Information Technology & Library Services), Karyn Dean (Committee Clerk)

#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.
[04/25/16 @ 9:02 AM]

Action: Programs & Services Approved 4-0-2 (Councilors Schwartz and Auchincloss abstaining)

Note: Councilor Norton explained that this was discussed in Committee previously and members asked the Mitch Baker, Inspector of Weights and Measures be invited for feedback. Maura O'Keefe, Assistant City Solicitor, had been doing some research on this matter but was unable to attend this meeting. Councilor Norton provided some research that Cambridge had done on the topic. She also noted that every gas station proprietor was sent a letter about this item inviting them to come to the meeting. A follow up call was also made to each station.

Councilor Norton explained that the legal use of this product contributes to climate change and particularly with the current President, it is more important that local and state governments take action that might help limit activities that burn fossil fuels. Cigarettes and alcohol did not always carry warning labels and this is a similar proposal. This is just information, not a mandate, on the effects of using gasoline. This will get to a population of people every day just to remind them that this is a product that has its dangers. There will also be a link to a website to suggest other methods of transportation and other information. Governor Baker has signed a Memorandum of Understanding committing Massachusetts to getting 300,000 electric vehicles on the road by 2025. This proposal is part of a much bigger movement, but every opportunity to provide a reminder and education can help.

Mr. Baker said he was mainly concerned with literature on gas pumps pertaining to safety issues. The technology on the pumps has changed to reduce dangerous vapors going into the air and spillage of gasoline onto the ground. Clips were added to the handles to allow for continuous flow for filling a tank. The nozzles fit tighter as well and overall this is a much better system. He would like to see signs on pumps that tell drivers to turn off their engines, extinguish cigarettes and prohibit cell phone use. There have been proven cases in California of explosions ignited by static electricity by cell phones. He did not feel that this type of warning sticker would discourage people from driving. People who bike or walk do that because they like it or for health reasons and probably not many do it for environmental reasons. He did not feel it would have a great impact and instead would like to focus on having better safety information on pumps.

Mr. Baker also noted that the gas station business is very competitive and the owners are not getting the percentages they used to. This would be a recommendation against the product they are selling. In addition, when the pumps go out of calibration, the loss almost always goes to the station, not the customer. Cabot's Ice Cream does not have a sign saying their product is full of fat and sugar and is bad for you. People know the risks of the products they use.

Committee Questions/Comments

A Councilor noted that with the safety concerns mentioned by Mr. Baker, it is concerning that some have TV screens that are very distracting and could cause spillage. Mr. Baker is opposed to the TVs and would prefer there was nothing on the pumps at all, but that is how the new equipment is produced. The TV screens are not requests from proprietors. The Councilor said that if they equipment managers are not concerned with safety and are including distracting TV screens, then a small sticker should not be a distraction.

It was asked if there were any signs relative to cell phones at stations. Mr. Baker said they are not mandated and some gas stations voluntarily have signs but they are few. He saw three videos last year showing explosions from cell phones. This is more likely in warmer climates but it could happen here.

A Councilor said he asked one owner and he was not in favor, but he would like to speak to more. Mr. Baker said the several that he asked, were not in favor as well.

A motion to approve was made and the Committee voted 4-0-2 in favor with Councilors Schwartz and Auchincloss abstaining.

Referred to Programs & Services and Zoning & Planning Committees

#81-17

Ordinance amendments relative to rDNA technology and research facilities

THE BIOSAFETY COMMITTEE, COUNCILORS AUCHINCLOSS, HESS-MAHAN, LIPOF,

AND SCHWARTZ requesting amendments to Sections 12-21 through 12-30 in order to update guidelines and procedures for the regulation of recombinant DNA

technology; and requesting amendments to Section 12-24 and Chapter 30 to remove

the requirement that laboratories or research facilities obtain a special permit from the City Council in order to utilize recombinant DNA research or technology.

[03/27/17 @4:31 PM]

Action: Programs & Services Approved 5-0 (Councilor Sangiolo not voting)

Note: The Chair explained that this item has been discussed in the Zoning & Planning Committee which will be holding a required public hearing on the zoning amendment portion of this item on June 12.

Commissioner of Health and Human Services, Deb Youngblood, introduced members of the Biosafety Committee, Carl Cohen and Bill Dietrich. James Freas, Deputy Director of Planning, explained that the proposal is to update the City's rDNA ordinance. The Biosafety Committee, Law Department and staff from the Health Department collaborated on the proposed amendments. A redlined ordinance was provided in the Planning Memo. Mr. Freas explained that the public hearing on June 12th will address the zoning ordinance amendment that the special permit requirement be removed for rDNA uses. Laboratory uses would still be subject to special permit requirements in all Business districts and by-right in the Manufacturing and Mixed Use 1 and 2 districts. The changes in Chapter 12 are not subject to a public hearing requirement. These would include updates to refer to the most current version of the National Institute of Health guidelines, restructure the make-up of the 8 member Biosafety Committee, and other.

The BioReady Community Checklist was provided and is attached. This is an important aspect of the City's economic development program as they have identified Life Sciences as an important industry area for the N2 Innovation district and the City overall. The Economic Development Committee submitted a letter of support, which is attached. BioReady communities are ranked and Newton is currently at the Bronze Level, Needham is at the Gold Level and Newton should rise to the Gold Level with these ordinance amendments. It would be reasonable to get to the Platinum Level pretty readily as well. Also attached is a summary of the Biosafety Committee Review process for potential rDNA lab uses in the City.

Committee Questions/Comments

A Councilor stated that these changes are necessary and he supports them fully.

A Committee member noted that the more detailed the decision making can be on this, the better and there can often be fear around this issue. The special permit process is not necessary considering that the highly trained and educated experts on the Biosafety Committee will be reviewing any rDNA uses that would like to operate in Newton.

The Chair of Zoning & Planning noted that this has been heard in Committee and the members of the Biosafety Committee attended and spoke. They were able to allay any fears Committee members had due to their expertise. This ordinance will put Newton in a much better place for attracting life science businesses.

Councilor Hess-Mahan moved approval and the Committee voted in favor, unanimously.

Referred to Programs & Services and Finance Committees

#173-17 Appropriate \$57,676 from E-Rate Funds to purchase technology for schools

HIS HONOR THE MAYOR requesting authorization to appropriate and expend fifty-seven thousand six hundred seventy-six dollars (\$57,676) from E-Rate reimbursement funds to purchase technology for the Newton Public Schools. [05/30/17 @ 2:38 PM]

Action: Programs & Services Recommended Approval 3-0 (Councilors Hess-Mahan, Schwartz and Sangiolo not voting)

Note: Eileen Keane, Director of Technology and Libraries, Newton Public Schools, addressed the Committee. She explained that their request for appropriation and expenditure of the E-rate funds went before the School Committee and the Mayor docketed the item to the City Council. The funds will be used to work on infrastructure. Letters describing the budget and details of the use of the monies were attached to the agenda. To summarize, they would like to put a switch at the Police Station to provide redundancy in case their main system goes down. They would also like to finish a project which began before her tenure started, to replace all the core switches in all the schools and upgrade them to 10GB. The last two schools for upgrade are Williams and Franklin. All of these projects have gone out to bid. She welcomed the City Councilors to come to the Ed Center to see their facilities.

A motion to approve was made and the Committee voted to recommend approval 3-0.

Referred to Programs & Service, Public Fac. and Finance Committees

#178-17 Appropriate \$500,000 for renovations to the Newton Free Library

HIS HONOR THE MAYOR requesting authorization to appropriate the sum of five hundred thousand dollars (\$500,000) from bonded indebtedness for the purpose of funding renovations at the Newton Free Library to include expansion of the Children's Room and other improvements to the First Floor. [05/30/17 @ 2:38 PM]

Action: Programs & Services Approved 6-0

Note: Phil McNulty, Director of the Newton Free Library stated that much of the background of this request was covered in the budget discussion in this Committee. This is in the supplemental Capital Improvement Plan (CIP) for \$500K to fund renovations and expansions in the library. The challenge is to maximize the effectiveness of the existing space without additions or the large renovation that was proposed during the grant application process. The money will make visible progress on some of the most important key elements that were identified. The building program they prepared during the grant process is a blueprint for identifying those elements.

Mr. McNulty noted that two \$50K donations were made to the Library Trustees for the teen space and the maker space. Those projects are being designed and they hope to accomplish those in this calendar year. The Children's space would require some reconfiguring of space and moving

various office spaces to different areas and/or floors. They want to tackle the program space first in the Children's room; expand the space towards the atrium would be the next step; and expand the space towards the archives would be the third step. The Children's area is targeted towards the collection but there is not much engagement space. This will be a much more active space.

Committee Questions/Comments

It was asked how this affects the other items in the CIP. Mr. McNulty said he would review this with Maureen Lemieux.

A Committee member wondered if \$500K was enough and if there were any designs yet. Mr. McNulty said part of this money, 12%-15% would go towards design. The Finance Committee might break this amount down for design money first, but they are meeting with them next week.

A Councilor asked if this space will be built for durability since another grant round might come up for a larger renovation. Mr. McNulty said there was great competition for the grant round and Newton was told they were not on the top of the waiting list. The next state grant could be 10 years out so they need to achieve what they can and make it last 10-15 years. This appropriation was reviewed and the Mayor's office and the Library felt it was an appropriate amount and would be productive.

Some Committee members had concerns about the sufficiency of the money, but the Chair reminded the Committee that Programs & Services purview is to review the programmatic part of this project. Public Facilities and Finance Committees can review the other aspects of this and amend if necessary.

Councilor Hess-Mahan moved approval and the Committee voted in favor 6-0.

#161-17 Resolution for Immigrant Heritage Month

COUNCILORS HESS-MAHAN, COTE, KALIS, DANBERG AND NORTON proposing a Resolution to officially recognize June as Immigrant Heritage Month. [5/23/17 @ 4:43PM]

Action: **Approved 6-0**

Note: Councilor Hess-Mahan said this is an item with wide support. The draft Resolution was attached to the agenda and the draft Council Order Resolution is attached to this report.

Councilor Auchincloss moved approval and the Committee voted in favor 6-0.

#82-17 Citizens Petition requesting a resolution for Presidential impeachment inquiry

CINDY CUBA CLEMENTS ET AL. submitting a petition, pursuant to Section 10, Section 2 of the City of Newton Charter, for the City to adopt a resolution or other measure, such as the Model Local Resolution calling upon the U.S. House of Representatives

to open an investigation into the impeachment of President Donald J. Trump.
[03/27/17 @ 10:05 AM]

Action: **Programs & Services Approved 5-1-0 (Councilor Auchincloss opposed)**

Note: Councilor Rice explained that this petition was brought to the City Council via Section 10-2 of the City of Newton Charter. Under Section 10-2, a Citizen Petition filed by at least 50 registered voters requires that a public hearing be held and action taken by the City Council within 90 days of submittal.

Ben Clements, presenting for the Petitioners of this Resolution addressed the Committee. He explained that the petition asks the City Council to adopt a resolution calling on the House of Representatives to begin an investigation into whether the president should be impeached for his continuous violations of the Constitution's anticorruption clauses, also known as the emoluments clauses, and obstruction of justice. This is based on the president's inability or unwillingness to comply with the most fundamental principles of our Constitution. The remainder of Mr. Clements' testimony is attached to this report.

Committee Questions/Comments

A Councilor asked for clarification that this Resolution is not calling for impeachment, but instead to begin an investigation. Mr. Clements stated that the process that would actually call on Congress to vote to impeach the President would be the filing of the articles of impeachment. This petition is asking the City Council to support a Resolution calling for an investigation as to whether the president should be impeached. The potential outcome of that investigation could lead to articles of impeachment.

A Committee member asked if the issue of collusion with Russia would be included in this possible investigation. Mr. Clements said that specific matter of collusion with Russia and interfering with the election is not identified in the Resolution. He mentioned it in his comments because it is related to the obstruction of justice portion of the investigation. The Resolution is drafted to include specific violations but does not limit the investigation to those specific violations. It is inclusive.

A Councilor noted that this petition has been brought to the City Council via Section 10-2 of the City Charter, which allows residents to bring any issue they deem important to the Council. Mr. Clements explained that the reason they chose this route was because the purpose of seeking a Resolution from the City Council is for the Council to be the voice of the residents of Newton. This has been done and approved in a number of other communities, most recently in Brookline, where they had 400 signatures on their petition. It was passed overwhelmingly in Town Meeting. This is a grassroots movement to hold the President accountable which is coming from the people. There is no reason to believe any investigation will be initiated in Congress unless and until the people, their local, and their state representatives demand it.

Public Comment

The following speakers were in favor of the Resolution:

Martina Jackson, 115 Lowell Avenue said she believes the City Council is the local level of government, the legislature is the state level of government, and Congress and the Senate are the federal level, all of whom are dedicated to preserving and protecting the Constitution. She felt it was perfectly appropriate for a local body which concerns itself with preserving infrastructure, to consider that the Constitution of the United States is part of the infrastructure we all depend on.

Leo Hannenberg, 7 Ashcroft Road: Comments attached.

Cindy Cuba Clements, 256 Park Street: Comments attached.

Nanette Fridman, 1874 Beacon Street: Comments attached.

Karen Bray, 38 Stearns Street: Comments attached.

Holly LeCraw, 34 Stearns Street: Comments attached.

Bill Bachman, 23 Stearns Street associated himself with the comments of Holly LeCraw.

Ellen Lubell, 80 Temple Street: Comments attached.

Doris Tennant, Churchill Terrace: Comments attached.

Burt Rutstein, 300, 2nd Avenue said that the results of the election either for Mr. Trump or Ms. Clinton has divided this country in hatred which is the most dangerous results expected. It is exemplified tonight and in it is interesting that that the people who are in favor of this Resolution express themselves tonight calmly and those against it express themselves with anger, hatred and paranoia. This is a non-political issue. If you get caught driving 60mph in a 35mph you get a citation and a right to a hearing. This petition is proposing a hearing in regards to Mr. Trump and the allegations against him. It is just a proposal for a hearing for the government to look into these allegations. If he did nothing wrong, he has nothing to worry about. The entire situation should be reviewed and he hopes the Council will pass the Resolution.

John Coates, 647 Commonwealth Avenue: Comments attached.

Alicia Bowmann, 19 Chestnut Terrace, said there is a long history in Boston of standing up to tyranny. The Patriots are more than a football team, they are people who fought for our right to live free. They created a constitutional democracy giving us the right to life, liberty and the pursuit of happiness not known to many countries around the world. The democracy has survived 250 years but she worries if it will survive this presidency. President Trump is openly violating the

Constitution on many accounts. His disregard for the Constitution and the rule of law is beyond compare. We need Congress to act but they have shown the country they are not to be trusted to protect their citizens on their own. Only when individuals have spoken loud and in one voice have we driven Congress to do what is right. She is asking this body to speak in that loud singular voice to protect us, the Constitution and restore her faith in government.

Johanna Schulman 28 Hadley Street, Cambridge: Comments attached.

Abby Rordorf, 49 Bowdoin Street said she was in awe of this process with the option to speak and beheard and that is what she is asking: for the chance to heard for her and her children and grandchildren. She asks that the City Council be their voice.

Dee Mallon, 10 Oakmont Road: Comments attached.

Maria Prokop, 38 Holman Road supports the Resolution for previously stated reasons. She added that President Trump does not accept news he does not like and calls it fake news. By passing this Resolution and making a public record, the City Council will be doing something than cannot be denied and called fake news. It will be real and public record and hopefully an inspiration to other municipalities throughout the country to seek an impeachment investigation.

David Cohen, 66 Vine Street said to his way of thinking, this IS the people's business. He urged the City Council to vote yes on this but whatever the vote, he urged them to vote on the merits. Some people say this is beyond the scope of what a City Council should be undertaking but he believes it is the intent of the City Charter to have the Council vote exactly on this type of Resolution. The Charter grants a power to the people under Section 10-2, a power that is expansive. Any matter that 50 residents bring before it, the Council must act on and it specifically includes Resolutions. It does not say only matters or resolutions pertaining to local issues or ceremonial occasions, or no resolutions on national matters. It means any and every resolution. The framers of the Charter had an abiding trust in the people and wanted them to have a greater role in government. Before this Charter, the Board of Aldermen was not seen as a public body. The Finance Committee's budgetary deliberations were behind closed doors, not even other Aldermen could get in. Aldermanic vacancies were not filled by a vote of the people, they were appointed by the remaining Aldermen, sort of like a private club. The framers of the present Charter threw open the doors of City Hall to the people. One tool they used is Section 10-2 allowing the people to have their concerns acted upon just like this one. He voted on every resolution when he was on the Board, but some did not unless they were ceremonial or sponsored by other Aldermen. He disagrees with voting against a resolution like this, because it abridges the Charter-granted rights of the residents. He urged the Councilors to vote on this Resolution and uphold the democratic institutions by voting favorably.

Paul O'Connell, 44 Stearns Street said he supports the Resolution. In his estimation, impeachment is too good for the president and the process too long. Impeachment investigation presumes a possible innocence. If ever there was a reason to invoke Article 25 Section 4 of the US Constitution, namely removal from office by a party of principal officers in the executive and congressional branches, Trump is it. He is unable to discharge the powers and duties of his office and must be removed. He is reckless and a danger to us all and should be removed for the emoluments clauses as stated earlier. He has divulged state secrets to foreign powers, publicly broadcast locations of our secret submarine fleet; is openly flaunting his obstruction of justice. This world cannot afford this man having his fingers on the button.

Adam Clements, 256 Park Street said that he is finishing his junior year at Newton High School. He thinks the people who have spoken before him have expressed his views on why this resolution should pass and that the City Council does have a role in this issue. He wanted to provide a perspective from a younger generation of Newtonians. He will be able to exercise his right to vote for the first time this fall and he's looking forward to it to support and participate in democracy. He hopes that any victor in the future will be serving in the best interest of the USA. He does not want to begin his adult life in a society in which he cannot trust his democratically elected official to be loyal to the needs of the people and not their own businesses or a foreign country. President Trump threatens this reality that presumably all of us hope to live in. The President should be a model citizen and loyal follower of the Constitution. President Trump is not. Congress must send a message that nobody is above the law and ensure our democracy and Constitution will be preserved for the future. For the sake of the preservation of these democratic values and to be sure we can trust our government to serve us, he urges the Council to play their part to be sure Congress hears our voices and feels pressure from the American people they serve to approve this resolution.

Eric Giroux 46 Salisbury Street said he is a lawyer and had the good fortune of clerking for a conservative federal judge, appointed by Ronald Reagan. He learned that contrary to popular belief, the law generally points in one direction when doing legal research, whatever your political inclinations. He'd say in maybe 5% of the decisions the judge made, perhaps his politics may have played a small role because there was some ambiguity as to which way the law pointed. In the case of obstruction of justice, the law points one way, to favor an investigation. There is more than enough evidence for that. If you clip to the petition, former Director Comey's testimony, published today and a transcript from Trump's appearance before Lester Holt, there is enough evidence to convict him of obstruction of justice. He admitted to that he was relieved from pressure with the firing of Comey. And he told Comey he wanted a pledge of loyalty and told Comey he wanted an end to the investigation of Michael Flynn. Obstruction of justice does not have to be interfering in an investigation of himself, it is enough that he wanted to end the Flynn investigation because it was putting political pressure on him and he as much admitted that to Lester Holt. That is enough. The City Council has a role in passing a recommendation to Congress but should you do it? After Richard Nixon resigned, Gerald Ford said, here the people rule. This is a very good time for Newton to take an active role in expressing the will of the people here because democracy is dysfunctional.

The rural states have extra weight in Congress due to the manipulation of districts by the Republicans.

Ron Fein, 75 Garland Road said he is the Legal Director of Free Speech for People that is one of the organizations that helped work on this Resolution. He also clerked for a judge who was a Reagan appointee and worked in the federal government under George W. Bush. The document with footnotes that establishes every single point made by Mr. Clements in his presentation is available through a link in the letter that was provided with the petition. They have not had a chance, however, to update it with the new information that came from Mr. Comey. Mayor Cohen made a good argument about the group petition procedure and if people don't like that perhaps that could speak to the Charter Commission. But it does exist and is a way for people to approach the Council with their issues. This is a City Council with power to pass policy and resolutions on behalf of the residents. The Council has addressed national issues before. This procedure is not wasting taxpayer money or taking money from the schools to be here. It is not about fighting the results of the 2016 election. Just as the Watergate hearings were not about fighting the 1962 election. It was irrelevant whether George McGovern campaigned as effectively as he could. Newton is not an island. It is part of a Commonwealth which is part of the US which relies on a system called the Constitution, which is no under threat. It is appropriate for the Council to act and protect the Constitution.

Margaret Zaleski, 11 Marshfield Road: Comments attached.

The following speakers were opposed to the Resolution:

Richard Peach, 88 Bourne Street, said he has never seen such hogwash in his life and most of what Mr. Clements said was false. They wanted Comey fired when he was investigation Clinton and now are unhappy he was fired by Trump. Mr. Peach stated that he is one of the deplorables and cannot believe what is going on in Newton. This should not be a local issue to ask for impeachment. This is nothing but a witch hunt and has been since Trump took office. He tweets because the press is against him and it's the only way to get his message out. There has been no proof of collusion with Russia in the past six months. Give him a break. The Democrats have to stop crying and Clinton lost because she was a bad candidate and did not campaign well. Everyone thought she was going to win but she had no message. Trump has done more in 6 months that Obama did in 8 years. Unemployment is down, the stock market is up, there is a new Supreme Court Justice and Trump is making business regulations better. He wants to do infrastructure, build the military and care for veterans. He is the only one going after ISIS. Climate change is not the most important thing. People want jobs. Everyone needs to come together as a nation to move forward.

Robert Cerra, 78 Auburn Street said the form and manner of Mr. Clements presentation was outrageous. He has never been in a presentation or in court where an individual makes a one-sided argument regarding allegations on any individual without that person being able to say

something. Mr. Clements did not use the word allegations – he’s trying to convince people in the room that what he said is the truth without any opposing opinion. That is more appropriate for a Star Chamber of an Inquisition. He agrees in part with some who signed this petition to ask for an investigation into impeachment proceedings. They are right. Our democracy is under assault but not by Donald Trump. This presentation is a threat and actions like this petition are an attempt to use the criminal justice system to achieve a political purpose. Petitions like this poison the political discourse and the signers are hiding behind the petition hoping we won’t ask simple questions. There are many lawyers here and there are things such as probable cause or evidence. Mr. Clements provided no evidence. Mr. Cerra has conducted hundreds of investigations in conjunction with the Commonwealth of Mass and the federal government. Mr. Clements is not in possession of any information otherwise he would have presented it to convince everyone. People can’t be charged because we don’t like what they are doing. He noted that Mayor Setti Warren said in the Boston Herald that the Democrats are obsessed with bashing Donald Trump and this petition is an outgrowth of that.

Qingli Jian, 1615 Beacon Street, Apt. 2, said her biggest concern is whether this is the best use of taxpayer money for elected officials to spend their time and energy on another political purpose. She respects those who want to pursue this Resolution, but hopefully on concrete proof. They should pursue their agenda by using their own resources. For an impeachment attempt to work it needs the support of the House, not the local government. This is a total waste of local resources. Why are our City kids in the public schools waiting for funding for their schools? She was told how the schoolteachers complain about the school budget cuts and how it prevents them from doing their job. Also, the infrastructure needs improvement. The City should use the taxpayer money for the majority of the residents, not misuse it for some parties for their own interests. For those people who pursue this, why can’t you call on Congress by yourself? We as Newton residents who are against this resolution should also be heard and represented by you. We should not be taken advantage of or forced into something we do not believe. If the City Council supports this, she considers it the end of democracy. Just because today they are outnumbered it is not fair. Everyone has seen this in North Korea and in China. We know how the government can run down the people’s voice.

Lisa Li, 18 Fredana Road said Mr. Clements accused the President without any solid facts but based on his own assumptions. The Resolution is not from us, the people. His point of view does not represent her. The Resolution does not make sense. Mr. Trump was elected by the American people but from day one some people were rallying that he was not our President. Instead of letting him do his job to make American stronger again, those people focused on fighting him. They wished to impeach him from the start and did everything possible to make this happen. The President is keeping his promise to make America more competitive. The employment rate went down, the market went up and she felt safer because he emphasized law and order. She thought he would do many impressive things if we let him. The hope for impeachment is only felt by a few people who are bitter because he won the election. HE would suggest those people use their own private funding to do whatever they like instead of kidnapping everyone’s opinion through the City Council. The City government should use taxpayer money wisely. The school system and

infrastructure all need to be improved. The City government should focus on the job they are supposed to do instead of wasting time and money on crazy ideas such as impeaching the elected president.

Gene Malin, 11 Howe Road congratulated Atty. Clements for making a great service to his profession by omitting the word allegedly from his presentation 29 times. There are 3 questions that keep him awake at night: Did the president use a gas powered leaf blower within the Newton after 5 pm; or park Air Force One in the parking lot across from JP Licks and not pay the parking meter; or build another Trump Tower next to City Hall without a permit. No. Unfortunately for Newton, radical, liberal Trump-haters who would jump at an opportunity to undermine the democratically elected President of the USA and use the City as a tool in their political gamble. Now comes the Trump-haters dream of impeachment and every child knows that the City government has no role in the process but we can adopt a resolution calling for Congress to investigate. Again, this will have no influence on the process that everyone knows will never happen because of the current balance of elected power of the Congress. But we can make headlines in the Boston Globe and maybe nationally that City of Newton voted for investigation for Trump impeachment. A city of 85K voted in a show of solidarity against Donald Trump. No, it did not. The City Councilors did and they are the only ones who will attach their names to this bogus action of hatred. Remember, you do not represent my family or others who resent this action. You do not represent the silent majority who does not know what is conspiring in this room tonight. He said he strongly opposes the Resolution and asked them to stop the nonsense from going forward and tarnishing the reputation of the City.

Al Cecchinelli, 224 Chapel Street said he looked forward to working with the Council as the City's next Mayor. When he is the Mayor this stuff cannot go on. The people should have a chance to vote on this. By 24 people voting and saying this is how Newton feels is undemocratic. It puts a stain on the rest of Newtonians who do not believe in this silliness. Senator McCarthy would be proud of us. There is no proof, there is no probable cause to even have an investigation. Maybe President Trump has a private email server in the bathroom of his home or is importing cocaine to the streets of American so that we can supply the Sandinistas with arms and maybe he's sending guns to the Mexican cartels so they can fight with each other. This is far beyond the scope of what the City should be doing and representing its citizens. He urged the Council to put this on the ballot and not vote for everyone.

Jinny Gardner, 48 Williams Street said she can understand frustrations when the person you voted for the person who is holding office. She lived through 8 years of it herself. If you Google impeachable acts, she believes you can find anywhere from 1-64 for the last president. She thinks everyone has a right to rally and petition and make feelings known. However, she feels the Council should be doing important work of the City and there is an opioid crisis and police and fire departments need to be funded. The School system, which is fantastic, has problems like everywhere else. If this passes, she would like the opportunity for an asterisk on the signature sheet that says she does not support this. She is a voter and has a voice and wants a sheet that shows she and many others do not support this.

Lai (inaudible), Pine Street said this is her first public hearing. She did not vote for Trump and voted for Obama in 2012. She is against this resolution, however. She understands that many people are feeling strongly about the current state of the country and has never been more polarized. People on the other side of this issue feel equally strong. Because of that, our Constitution said that officers and the President can be removed for certain reasons and the House and Senate to do this job and she trusts them to do the job right. She has volunteered for Senator Warren's campaign and she has great respect for Congress. She thinks voting on the resolution would create more division among the residents and she does not support it.

The Committee voted unanimously to close the Public Hearing.

The Chair thanked all the residents present and those who spoke for being respectful of each other.

Committee Questions/Comments

The Chair discussed with the Committee whether the item should be voted out at this meeting or postponed to a future date. The Charter calls for action within 90 days and delaying it would take it beyond that point. The Committee agreed that there was sufficient testimony and evidence to be able to make a decision on this petition this evening.

Councilor Leary, Vice Chair of the Committee was unable to attend and provided a letter of support, which is attached.

Councilor Sangiolo moved approval. She said she has supported many other Resolutions to the state and federal level representatives to act upon the interests of the residents on the many issues. She truly believes the President needs to be held accountable.

Councilor Kalis agreed and thanked the petitioners for their patience and willingness to talk through the issue. The resolution states the necessary evidence and is very measured. An investigation is absolutely warranted. He also agreed with Mayor Cohen and this is a representative government and they have to take a stand. This may not have a direct impact on the President, but it does have an impact on the Congress. It sends a message to other communities and the more people who say yes to this the better and the more convincing it becomes for others communities to join. He lived in Russia years ago and the people did not have and do not have a voice. What we have here is such a gift and is worth fighting for. It is about what democracy stands for and we are defending the Constitution. This is his opportunity to defend the Constitution with words.

Councilor Schwartz said he was sure there was enough to warrant an investigation, but at the start of the meeting, he was unsure whether it was his role or the Council's role to vote on this. He heard comments on both sides, which has helped clarify his thinking. He decided it is his role and

the Council's role to vote. The petition process envisions the Council doing this exact thing. While they might be voted into office to work on issues that affect Newton, this is also an issue that affects Newton. The oath that the Councilors took at the beginning of their terms, included a clause that is similar to one the President takes; to commit themselves to preserve and protect the Constitution of the United States. He will uphold his oath to do just that. He respects those that feel it might not be his role and appreciates their points of view. He hopes to continue to be a shining City on the hill and be respectful of each other no matter which way this vote turns out.

Councilor Hess-Mahan agreed with all the Councilors who spoke before him. This is his last term after serving for 14 years. This should be voted on its merits and it is clear there is enough evidence to justify an investigation. He lived through Watergate and remembered going to assemblies at school to watch it on TV and it influenced the rest of his life. It came to a head when the President of the United States was ordered by the Supreme Court of the United States to hand over clandestine tapes he has made inside the Oval Office. Those tapes made it clear that the President sought to obstruct justice. He sought to do so by asking the Head of the CIA to intervene with the Head of the FBI. There are so many parallels to what we are facing today. Later, after he resigned, President Nixon in his interview with David Frost, said that if the President does it, it is not against the law. No one is above the law and that is why the President needs to be held accountable. There are violations of the Constitution that the City Councilors took an oath to uphold. A major concern of the Founders was that they did not want foreign governments influencing a US President with gifts or "emoluments". The news today and Comey's testimony showed that the President asked him to let the investigation into Flynn go. That is obstruction of justice. An investigation will show whether that is true or not. That allegation is so serious that it goes to the very core of separation of powers and what we are as a nation and what the Constitution is there for to protect us all against – a President who thinks he/she is above the law.

Other communities look to Newton to be leaders as well as Brookline and Cambridge, to see what we are doing. The First Amendment guarantees the right of the citizens to petition their government for remonstrance of all grievances. He argued that this is something the City Council should be doing and in fact, one of the most important things it should be doing. The US is a representative democracy which means that they are elected to make decisions for the people. Newton should be a shining example, that City on a hill. This is a constitutional crisis and nothing could be more important to take action on. The residents have a right to be heard and the Council has a responsibility to act.

Councilor Norton quoted Mahatma Gandhi: "When the people lead, the leaders will follow". She thinks that is what is happening tonight. She thanked Mr. Clements and the other citizens for their leadership in bringing this up. Massachusetts is a leader and other states may resent us for various reasons, but they still look to us for leadership. Within Massachusetts, Newton is a leader and it is important what we do here. The Resolution makes a strong statement about what our values are, just as the Welcoming City ordinance did. The City Council spends quite a lot of time on infrastructure and schools and other city issues, and they are also able to do other work as well, such as this. She will support this in City Council.

Councilor Fuller said the 50 petitioners have a Charter given right to a vote on this Resolution based on its merits. Above all else, the Charter values citizen participation and individual empowerment and that is so powerful in this City and country. Those values find expression throughout the Charter but especially in Section 10-2. The Council must vote on it. The Council must uphold the value of citizen participation. She believes in what the Resolution says. It is so carefully and thoughtfully drafted as to what it says and what it does not say. It is not calling for the impeachment of Trump, it is asking the House to begin an investigation. There is ample evidence for this step. She urges everyone to vote yes.

Councilor Auchincloss said he is energized by the process tonight and the eloquence of what he heard. For the House to impeach Donald Trump, the Senate needs to convict him and he thinks we need stable and progressive governance by states and cities in marked contrast by the federal executive. That is the best way of states and cities to resist Trumpism. Federalism provides for stability and progress when state and local governments are not polarized according to national political questions. There has been so much self-sorting of ideology in the last four decades. We are constantly surrounded only by the people who agree with us. Local government is one of the last vestiges where people who do not agree on so many things rub shoulders and do business together. To sacrifice that and allow Trumpism to affect this Chamber, cedes to him more than is granted. He has written to Congressmen Kennedy and Moulton urging them to investigate Trump on these charges. He takes issue by some of the implications that he does not respect the Constitution or am a collaborator because he is unwilling to vote for this. He takes issue with Councilor Hess-Mahan implication that he lacks respect for the Constitution for that very reason. The best way to serve the Constitution and the set of norms that are being undermined, is to do this job well and to provide for that stable and progressive governance that Newton residents expect. He will be voting no.

Councilor Rice he wanted to hear the residents speak and hear the feedback from his colleagues. He thinks it will be interesting to get all 24 opinions on this at the full City Council meeting. He felt he might abstain but after all the feedback, he has decided to vote yes and move this on. This will be taken up at the June 19th City Council meeting.

Councilor Sangiolo moved approval and the Committee voted in favor 5-1-0 with Councilor Auchincloss opposed.

Meeting adjourned.

Respectfully Submitted,

John B. Rice, Chair

BioSafety Committee Review

Laboratory uses of rDNA are commonplace and routine in the biotech/life sciences field throughout the United States and are commonly found in hospitals, college campuses and in private sector biotech companies. With proper and informed oversight, these laboratories are safe and productive components of a robust biotech economic cluster and providing that oversight in a timely manner is an important component of an economic development strategy seeking to build this industry in the City.

The Bio-Safety Committee is charged with providing oversight of laboratories employing rDNA. Their review consists of the following before a permit may be issued by the Commissioner of Health and Human Services:

- Review of physical facility plans;
- Review of organisms involved and the containment and screening procedures;
- Review of safety and employee training procedures;
- Review of employee health monitoring procedures;
- Review of waste management procedures;
- Review of plan for working with City public safety personnel; and
- Greater than BioLevel 3 not permitted in Newton.

All facilities are subject to annual review and issuance of an annual permit. Any violations found at any time would result in fines and could lead to revocation of the permit to operate.

BioReady Community Checklist

Bronze

- ✓ Municipal water and sewer available
- ✓ Zoning allows for biotech laboratory and manufacturing uses by special permit
- ✓ Identified point of contact in City Hall to assist biotech projects

Silver

- ✓ • Municipality allows biotech laboratory and manufacturing uses by-right
- ✓ • Has identified buildings and/or land sites for biotech uses in municipal plans (Wells Ave, N2 Innovation District generally)
- ✓ • Municipality convenes site plan review meetings, bringing together all pertinent departments to provide an overview of the local approval process for significant commercial and industrial projects (Development Review Team meetings)
- Has land sites and/or buildings included in MassEcon Biosites Inventory (proposed for Wells Ave)

Gold

- ✓ Municipality has existing buildings in which biotech laboratory or manufacturing activities are taking place (Wells Ave, Nonantum)

Platinum

- ✓ Municipality's Board of Health has adopted the National Institute of Health guidelines on rDNA activity as part of its regulations
- Municipality includes a building or buildings that are already permitted for biotech uses and have 20,000 square feet of available space for biotech uses



CITY OF NEWTON, MASSACHUSETTS

Economic Development Commission

Setti D. Warren
Mayor

Barney S. Heath
Director
Planning & Development

Commissioners
Joyce Plotkin, Chair
Robert Finkel, Vice Chair
Chuck Tanowitz, Secretary

Howard Barnstone
Stephen Feller
Jeremy Freid
Groot Gregory
Jane Ives
Jack Leader
Peter Kai Jung Lew
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1000 Commonwealth Ave.
Newton, MA 02459
T 617/796-1120
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City Council
City of Newton
1000 Commonwealth Avenue
Newton MA 02459

Re: rDNA ordinance

June 7, 2017

Dear City Councilors:

The Economic Development Commission (EDC) is pleased to provide this letter of support for the rDNA ordinance currently before you. As an advisor to the Mayor and City Council on economic development issues, the EDC's mission is to promote and encourage the development of new and existing businesses in the city, thereby increasing the commercial tax base and the economic vitality of the city.

We would like to thank the Mayor and the City Council for following up on the recommendations made by the EDC in 2012 regarding Recombinant DNA research and operations. The Newton Bio-Safety Committee has been re-constituted and re-activated and several sites in the city have received special permits for rDNA. This is an excellent foundation for encouraging one of the most vibrant sectors of the Massachusetts economy – life sciences – to consider Newton as a desirable location for their businesses.

The next step in demonstrating that Newton is open to life sciences businesses is to eliminate the need for a special permit to do rDNA research and to adopt the current version of the National Institutes of Health guidelines on rDNA. The Biosafety Committee is the appropriate vehicle to provide guidance to city officials and agencies on these topics. They review and assess, provide oversight, and advise the Commissioner of Health and Human Services on the granting of permits, on an annual basis, for laboratory work. Part of that oversight involves a site visit to each company and review of its safety plan, training plan, and plans for disposal of waste. Each member of the Biosafety Committee has impressive and relevant credentials. With their background and experience, they are able to provide informed recommendations that will ensure the safety of Newton residents.

rDNA research is an essential tool in today's biotechnology world. It takes place in hospitals and universities in our community and in others across the state. Nearby cities and towns – Boston, Cambridge, Watertown, Waltham, Lexington, and Needham – have no special permit requirement and have benefited by hosting many vibrant life science companies. Eliminating the special permit in

Newton would enable more life sciences companies to locate here and it ensures that they have a predictable business environment, a key element of business location decisions.

Life science companies are one of the key target sectors identified by the Camoin Associates economic development study for the N2 Innovation District. Not only does Needham, our partner in N2 not have a special permit process, they are ranked by the Massachusetts Biotechnology Council at the "Gold" level. Newton is two levels below that at "Bronze." To achieve parity with Needham and to get to the gold level, we need to eliminate the special permit and fulfill the administrative requirement to list our biosafety sites on the Mass Econ BioSites inventory. In addition, we could potentially rise to the "Platinum" level because we have at least one site of over 20,000 sq. ft. that has been pre-permitted for biotechnology laboratory use.

Members of the EDC believe that attracting life sciences companies to Newton will provide good jobs, tax revenue, and other economic benefits to the city. We now have an active Biosafety Committee to oversee the rDNA approval process. We ask for your support to eliminate the need for companies to obtain a special permit to engage in rDNA activity.

Thank you for your consideration.

Sincerely,



Joyce Plotkin, Chair, EDC

And

EDC Members: Howard Barnstone, Barbara Couturier, Steve Feller, Rob Finkel, Jeremy Freid, Groot Gregory, Jane Ives, Jack Leader, Peter Kai Jung Lew, Philip Plottel, and Chuck Tanowitz

CITY OF NEWTON

IN CITY COUNCIL

June 19, 2017

RESOLUTION

RECOGNIZING JUNE, 2017, AS IMMIGRANT HERITAGE MONTH

BE IT RESOLVED:

WHEREAS, generations of immigrants from every corner of the globe have built our country's economy and created the unique character of our nation; and

WHEREAS, immigrants continue to grow businesses, innovate, strengthen our economy, and create American jobs in the City of Newton; and

WHEREAS, immigrants have provided the United States with unique social and cultural influence, fundamentally enriching the extraordinary character of our nation; and

WHEREAS, immigrants have been tireless leaders not only in securing their own rights and access to equal opportunity, but have also campaigned to create a fairer and more just society for all Americans; and

WHEREAS, despite these countless contributions, the role of immigrants in building and enriching our nation has frequently been overlooked and undervalued throughout our history and continuing to the present day;

NOW, THEREFORE, BE IT RESOLVED by the Newton City Council that June, 2017 is designated as Immigrant Heritage Month.

Under Suspension of Rules
Readings Waived and Approved
yeas nays

(SGD) DAVID A. OLSON
City Clerk

Ben T. Clements
Testimony to Newton City Council -Programs and Services Committee
June 7, 2017

I have been a resident of Newton for 22 years. I am the Chair of the Board of Free Speech for People, a non-partisan, non-profit organization dedicated to combating the corrupting influence of corporate and individual wealth in our elections and in our government. We have brought before you a Citizens petition asking the Council to adopt a resolution calling on the House of Representatives to begin an investigation into whether the president should be impeached for his continuous violations of the Constitution's anticorruption clauses, also known as the emoluments clauses, and obstruction of justice. This is not a partisan campaign or an attempt to revisit the 2016 election; nor is it based on disagreement with the president's policies, however noxious they may be; it is based on the president's inability or unwillingness to comply with the most fundamental principles of our Constitution.

I. Constitutional Anti-Corruption (Emoluments) Clauses

One of the gravest concerns of the founders of our Constitution was that a president could become too powerful and threaten the freedom from monarchy and tyranny recently won in the revolutionary war. They were particularly concerned about the potential that a president could be corrupted by receiving payments from foreign governments. So they included in the Constitution the foreign emoluments clause prohibiting the president or any federal official from receiving anything of value from a foreign government without the approval of Congress. They were so concerned about corruption of the presidency that they included a separate clause applicable only to the president, the domestic emoluments clause, prohibiting the president from receiving any financial benefit from any state government or the federal government, other than his Congressionally-approved salary.

Donald Trump was repeatedly warned before he took office by constitutional scholars and government ethics experts across the political spectrum that he would need to divest his ownership in the Trump Organization in order to comply with these provisions. Instead of following that advice, he simply turned over the day to day operation of the business to his children, while retaining his ownership of the Trump Organization, including the flow of millions of dollars in loans, payments, subsidies and other proceeds from governments foreign and domestic. He continues to have close to 150 separate businesses in 25 countries around the world.

Not only has the president maintained all of his ownership interest in the Trump Organization, but he has aggressively used the presidency to enrich himself and his family at the public's expense and he has allowed his financial interests to corruptly influence his official actions. He has pressured foreign dignitaries and others to patronize his businesses and stay at his hotels. He has obsessively pursued a discriminatory Muslim ban that applies only to Muslim-majority countries in which he has no business interests; those in which he does have business are excluded from the ban. He has gone out of his way to curry favor with murderous dictators of countries where he has financial and business interests, from Rodrigo Duterte of the Philippines to Vladimir Putin of Russia. And his statements of China policy – from threatening, then retreating from, a trade war; abandoning the one-China policy then embracing it; appear to have been calculated to use the power of the presidency to threaten and then reward China in order to secure approval of dozens of lucrative Chinese Trump trademarks – trademarks for which he had unsuccessfully sought approval for ten years before his luck changed after he became president.

All the while, he has been continuously violating the domestic emoluments clause by, among other things, using federal taxpayer dollars to pay his businesses in New York and Florida millions of dollars for Trump family and governmental activities.

The founders of the Constitution were sufficiently concerned about the risk of presidential corruption that they specifically discussed what the remedy would be if a president were to violate the emoluments clause: the remedy according to statements made at the Virginia ratifying convention was impeachment. And it is important to note that to establish an impeachable violation of the emoluments clause, it does not need to be shown that the payments have actually influenced or corrupted the president's behavior. The president's acceptance of payments is itself the impeachable offense. But, as we have seen, the violation here goes far beyond that to the point that the president's financial interests drive presidential decision making.

II. Obstruction of Justice

While these emoluments violations are more than enough to require an impeachment investigation, there is an equally compelling case for impeachment based on obstruction of justice. Obstruction of Justice is the corrupt or improper attempt to interfere with an official government proceeding or investigation. Classic examples of obstruction include bribing a witness, investigator or other person involved in a proceeding; making false or misleading statements; engaging in improper threats or intimidation. In his course of conduct surrounding the FBI's investigation into Russian interference in our election and potential collusion by the Trump campaign, the president has engaged in all of these, in a flurry of obstructive activity spanning from the earliest days of his presidency to the present. Much of the evidence was presented in a written submission to the Senate today from former FBI Director James Comey.

During his first week in office, the president learned that the FBI had recorded conversations between Russian officials and his then National Security Advisor Michael Flynn which contradicted Flynn's accounts of his communications with Russia. The president's reaction to this information was not to fire or discipline Flynn, but to intervene with FBI Director Comey. Within a day of learning this information, on January 27, he summonsed Comey to the White House for a private dinner. Alone with Comey, he effectively tried to bribe the FBI Director, by demanding his "loyalty" as a condition of keeping his job at the FBI.

Within a few weeks, Flynn was forced to resign after it was publicly revealed that he had lied about his dealings with the Russians. The very next day, February 14, the president again summonsed Comey and again improperly pressured Comey, urging him to drop the investigation of Flynn.

In late March and mid April, the president twice improperly asked Comey to publicly announce that Trump was not under investigation.

When all of these efforts failed to kill the FBI investigation, he decided to be more direct and on May 9, he fired the head of the investigation, FBI Director Comey. He also directed the Deputy Attorney General and the Attorney General to provide a false pretense for the firing, claiming that it was due to Comey's handling of the Hillary Clinton investigation.

And he wasn't done. Shortly thereafter, he threatened Comey against making public their conversations, insinuating that he had Comey on tape.

There can be no doubt that the president's conduct was directed at thwarting and ultimately shutting down the FBI investigation – he essentially admitted as much in his nationally televised interview with Lester Holt and in his communications with, of all people, the Russian ambassador.

It is equally clear that his actions constitute impeachable offenses. Indeed, Richard Nixon was forced to resign or face certain impeachment in the House and conviction in the Senate for obstructing an investigation into a burglary, even in the absence of evidence he had anything to do with the burglary itself.

III. Conclusion

I recognize that some will say this is a national issue beyond the purview of the Newton City Council. But anyone who tells you that hasn't been around the Council very long. This Council has a long and proud history of weighing in on major national issues, using the resolution process to urge particular action by Congress, exactly as we are proposing today. Most recently, in 2015, the Council passed a resolution calling on Congress to take particular actions toward nuclear disarmament. And in 2012 this Council voted 23-1 to approve a resolution calling on Congress to pass a constitutional amendment to overturn the Supreme Court's Citizens United decision.

So to say that this is a "national" issue is no excuse for local officials to sidestep their responsibility to act on behalf of their constituents. The defiance of the Constitution and abuse of power by this president and the failure of Congress to hold him accountable, threatens the immediate and long term well-being and security of every American, including every resident of Newton, to a far greater degree than any other matter that comes before the City Council. Every city and town to consider this resolution, including five others in Massachusetts, has recognized as much and has adopted the resolution. It would be shameful for Newton to become the first municipality to reject this resolution.

Urging the impeachment of a president is not something anyone should take lightly. But the unprecedented corruption of the oval office and the president's refusal to comply with basic constitutional principles, including the principal that no one, not even the president, is above the law, represents a serious threat to our constitutional democracy. His disdain and contempt for the Constitution does not stop with the corruption clauses and the independence of federal investigators and judges, but extends equally to our other most cherished Constitutional principles, from freedom of religion, to freedom of speech and the press; to equal protection for all persons. In the words of Councilor Auchincloss: Trump "is a threat to the Republic and to the Constitution." None of us, especially our elected representatives, can afford to sit on the sidelines, while the threat grows worse by the day. I implore you to adopt this resolution and to do so without delay. Doing so is not partisan; it is patriotic.

Thank you for this opportunity to address the committee. I am grateful to have had the opportunity to discuss this proposal with some of members of this committee either in person, by phone or by email. I appreciate your thoughtful questions and concerns.

I am here this evening as a citizen of Newton and also as a representative of our local indivisible groups as well as RiseUpMA. I am here this evening because I recognize the gravity of the situation we now find ourselves in and I fear our democratic system will be irrevocably harmed. Since the election I have watched our democratic principles erode and the rule of law treated with contempt by our president and in this congress.

I'm here because everything that we cherish in Newton is made possible because we live governed by the rule of

law. These laws are based upon a set of principles set forward in the constitution. We now have a president who has repeatedly shown contempt for the rule of law. His violations of the emoluments clauses are in effect, a "robbery in broad daylight". He is thumbing his nose at the constitution. The founding fathers would be rolling over in their graves at the thought that our president and his family are personally profiting from the presidency. The constitution provides us with a remedy for a president who violates the rule of law. This process is called impeachment. It starts with a congressional investigation to determine whether laws have been violated.

I am here tonight because I have watched the investigations unfold in the justice department, the house and the senate, and I have lost confidence in the integrity

of those investigations. I want **our** congressional representatives to call for an investigation as stipulated in the constitution to determine whether there's sufficient evidence to initiate the impeachment process.

If we do not insist that the president be held accountable and subject to the rule of law, we will risk living in a country where the powers of the president are unchecked and we have a term for that - it's called "tyranny". It's a frightening word, but unless the president is held accountable that is where I fear we are headed. This is why I am asking everyone, including our local city councilors to join us in demanding an investigation; We want you to raise your voices with us. Passing this resolution offers the city council an **opportunity** to join all of us in asking our congressional representatives to take

action for the sake of our democracy. If we do not preserve our democracy our way of life and the freedoms we cherish will be at risk for all of us in here in Newton. We are not immune from the consequences of tyranny. So please for the sake of the country take this opportunity to support this proposal and know you're on the right side of history.

Cindy Cuba Clements
Statement Before Programs and Services Committee
Re: Citizen Petition 82-17
June 7, 2017

Good Evening. My name is Cindy Cuba Clements - it is my name that appears in the title of this petition. I am a founder of Indivisible Massachusetts Action, a local grass roots organization with a majority of members from Newton. A number of our members are here tonight.

I want to start off by thanking you for taking the time to hear this petition. I am proud to live in a town that recognizes in its charter the need to give a voice to its citizens - a mechanism by which we can be heard by you and by which you, in turn, can act upon the concerns of your constituents.

I recognize that this is not the typical order of business for this Committee or the Newton City Council. But these are far from normal times. We have a President acting in flagrant violation of the Constitution. His Presidency for Profit is making a mockery of our country. Our very democracy is being threatened.

Some may say that we should take our concerns elsewhere. That this is not appropriate for the Council to consider. I'd like to tell you, on behalf of the many activists in our community, that you are far from our first stop.

We have been pounding pavement, writing letters, making phone calls, visiting our Congressman -- you name it, we've done it. And frankly, we are bone tired.

And yet. And yet there is no action to investigate the President's blatant violations of the emoluments provisions of our Constitution. No impeachment investigation of obstruction of justice.

I'm an optimist by nature. I fully expected that Members of Congress, both Democrats and Republicans, would together refuse to abide by the corrupt actions of this President. I felt certain that there would be a line drawn that, when crossed, would compel members of Congress to join efforts to initiate an impeachment investigation.

Maybe there is such a line, but if so, it is far far away from where I expected it to be. And this breaks my heart. Truly. I am profoundly dismayed and disappointed. And I take solace in the fact that I am not alone.

So what do we do? We need Congress to take action, yet it doesn't appear that they will do so until they are convinced that it is demanded by their constituents. We need to lead them.

So here we are in City Hall, asking you to amplify our voices, to reflect our desire to have Congress and the rest of the world hear us, to know that we in Newton care about the sanctity of the

Constitution and our democracy, and that we expect others to as well.

We need that from you. These times call for drastic measures. We in Newton need to join in a singular voice. Please heed our call and pass this resolution.

Thank you.

June 9, 2017

Newton City Council
Newton City Hall, Room 105
1000 Commonwealth Avenue
Newton, MA 02459
Via Electronic Mail

Dear Esteemed Members of the Newton City Council,

My name is Nanette Fridman, and I'm a resident of Newton. I write to you on behalf of my own conscience and my family, and on behalf of a community group called Forward MA.

Forward MA is a grassroots, action-oriented group of 340 or so Massachusetts women –with the vast majority from Newton —that formed in the wake of the recent presidential election in my living room. The group has resolved to be vigilant, strategic, active and involved at the local, state and national levels to defend America, our democracy and freedom and equality for all.

At the heart of ForwardMA and the *Indivisible* movement is the understanding that representatives in Congress act largely based on hearing from their constituents and local leaders. *You* are my local leaders, and I write to you, representing ForwardMA, to urge you to send a clear message to our elected members of Congress that Newton wants an inquiry of impeachment opened.

These are extraordinary times. Newton is an extraordinary place to live. We are used to being a national leader – rated as one of the top places to live, top schools and so on. We must join Brookline, Cambridge, Amherst, Los Angeles and others and lead on calling for an impeachment investigation as well.

I hope that each of you will do the right thing — for our democracy, for our country, for our state and for Newton. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Nanette Fridman". The signature is written in a cursive, flowing style.

Nanette Fridman
ForwardMA
1874 Beacon Street
Waban, MA

Karen Bray June 7th, 2017 Testimony before the P and S Committee at the Public Hearing

People have said that this is not the right time for an impeachment. I disagree. Impeachment proceedings along side an investigation into Russian dealings make our voices all the more powerful. Impeachment proceedings take time and they need to get started now.

People have said that we should tend to our local issues and not to national issues. I disagree. What happens in Washington very much effects what happens here in Newton. We are experiencing an increase in violations of human rights here in Newton which I believe is a direct result of this president's behavior and actions. And then there is the clearly measurable effect on Newton of the potential of a lack of federal funds coming our way.

Tomorrow we hear the testimony of Comey. It s entirely possible that Trump fired Comey to make the Russian investigation go away. It is possible that Trump fired Comey because Comey would not be "loyal" to Trump.

If that turns out to be the case and if any other president of either party had been caught so red-handed, impeachment proceedings would already be underway.

Public expectations for presidential behavior under Trump are so low, and blind partisan loyalty, have allowed Trump to slide.

We are not asking to have Trump convicted and put in jail. Impeachable actions are different from convict-able actions. We are simply saying that Trump is violating our Constitution and we, as citizens, must speak out against this in any way we can.

I am hoping that in his testimony tomorrow, Comey will be pledging his loyalty to our constitution and not to the Trump Administration which would not be appropriate for the former Director of the FBI.

Resolutions such as this one can help build public support for impeachment and help the House of Representatives understand that their constituents favor starting the impeachment process.

We, the City of Newton, have an opportunity here to be loyal to our United States constitution by demanding that an investigation into impeachment begins. I ask you our representatives to join Brookline and demand an investigation.

Statement from Newton Hearing on Impeachment

Ellen Lubell
80 Temple St.
Newton, MA 02465

Under our federalist system of government, power and authority is allocated between federal and local governments and each is delegated a sphere of control. This system works when federal and local governments respect one another's authority.

When the leader of the federal government, however, takes actions that directly impact and fail to respect the needs of local communities, it is imperative that local governments speak out forcefully. We cannot retreat behind theoretical notions of how a federalist system is *supposed* to work lest we undermine the importance of demanding accountability when the system *fails* to work.

President Trump has taken actions that will directly impact our city and threaten our communities, including but not limited to:

- Threatening to retaliate against so-called “sanctuary cities” by withholding federal funds.
- Proposing draconian cuts to our health care insurance coverage.
- Using anti-Muslim and anti-Latino rhetoric and proposing discriminatory immigration policies.
- Proposing to destroy the Johnston Amendment, which until now has kept our faith institutions and nonprofit organizations out of the political fray.
- Rolling back environmental regulations and pulling out of the Paris Climate Agreement.
- Fomenting hatred and partisanship with lies and making racial slurs.

Newton City Council has, in the past, spoken out on important national and even international issues that threatened to affect us or were too egregious to go unchallenged. This happened most recently when the City passed the Welcoming City Ordinance.

The current and continuing threats to our democracy posed by Trump demand that our City Council speak out now to demand that the impeachment process begin

Doris Tennant statement at 6-7-17 Newton Programs and Services committee hearing on resolution for impeachment investigation:

I won't reiterate Donald Trump's continuing constitutional violations—you know them and we all have a responsibility to our democracy to witness them and respond meaningfully.

I'm here as an agent of democratic participation and non-violent resistance. In the past year non-violent resistance led to the impeachment of the president of S Korea and the president of Brazil. Whether we agree with their causes, it is clear that ordinary citizens, as we are here tonight, are using civil resistance to be heard. We are seeing in our country an unprecedented level of civic engagement and an explosion of community groups and coalitions. I as a citizen am compelled to name the harm that our president is doing to our country, our planet, and the future of our children and grandchildren. I appeal to each of you, who sit on the governing body that is my most immediate pillar of democracy, to urge the governing body in Washington to look hard at the acts of our president, who could continue as president until Jan of 2025.

Thank you for your service. What you do is important and matters to the citizens of Newton. I appreciate witnessing your interest in the actions of our highest elected official and I am noticing the stands you each take.

John Coates public hearing statement 6-7-17

I am a Newton resident, along with my wife raising three children in the Newton schools. If it matters, I am also a professor of law at Harvard Law School, and I also teach finance and governance in Harvard Business School. I also consult with the Department of Justice. I do not frequently speak on political issues in town government. This is an exception.

Part of federalism in the US has always been for localities to pressure states and for both to pressure federal government, on select but fundamental, constitutional issues. Not ordinary policy issues, such as trade or tax, but on fundamental issues, such as the fight over slavery. The basic question of whether a President adheres to the Constitution is inescapably local and federal. Federal because he is the President – local because all government depends upon all members of the government, especially someone as powerful as the President, adhering to the Constitution.

Yet the anti-corruption clauses of the Constitution are being violated openly by Trump. In the Wall Street Journal today, a publication owned by the owner of Fox News, there is a report of \$100000+ paid through one lobbying firm by the Saudi government, to fight a bill allowing 9/11 victims to sue Saudi government, paid to the Trump Organization's hotels. Put aside the merits of the proposed law – the point is that Trump is personally benefiting from the profits from significant transactions with a foreign government.

Trump admitted the impropriety of this and numerous other payments when he initially agreed to donate all profits from foreign governments. But in April he announced he had broken that pledge like so many others. He has no system for reporting or having audited any of the profits from foreign governments, and he has set up no system for anyone to verify whether he is doing so. He says it's too hard to keep track of the money – he blames the accounting. Yet every citizen is already expected by the IRS to track foreign source payments for tax purposes.

Between now and 2020 and beyond, every election will be in part about these issues. Every election – federal, state or local. When, finally, the future becomes the past, what will you say you did during this time? If your grandchildren ask you -- what did **you** do when the President of the US acted like the kleptocratic Russian leaders he has repeatedly said he admires? What did you do when he, like they, started to openly flout the most fundamental law of the land? If your answer is you used anything less than your full political voice, then you will be responsible, and held accountable, for that choice. Thank you.

To the City Council of Newton:

I am here from your neighbor Cambridge and thank you for letting me join in to your important conversation. I would like to just make two points.

Some of you might be thinking, "Let's let the three investigations take their course. Let's not jump to conclusions." Obviously a lot of information is emerging every day, especially with regard to possible obstruction of justice and the Russian investigation. We all have our popcorn ready for Comey's testimony tomorrow.

But let's remember how this impeachment movement began. As you have heard, since day one the President has knowingly been in violation of the emoluments clauses and it seems that every week we read reports in the paper of questionable transactions, payments and new business deals that are just obvious examples of the Trump organization profiting from the Trump presidency. The longer we wait the worse it will get – they are about to launch a whole new hotel line with an American theme and situate properties in key 2020 cities! Come on!

So I think there is enough emoluments violation "smoke" to justify asking the House Judiciary Committee to see if there's an impeachable "fire". We aren't calling for impeachment. But it sure doesn't look good and waiting just makes it worse.

Some of you might be thinking, "This is a national issue, not a local issue. Our job is to focus on the people of Newton. Impeachment is for Congress, not City Council." One of our City Councilors in Cambridge posed the same question during our hearings, before our impeachment resolution was passed.

We understand and appreciate that the basic job of a city councilor is to focus on the day to day life in the city for your citizens. School budgets, road paving projects, new fire stations, even leaf-blower rules -- these are the things you work on day in and day out, this is your labor of love.

But from time to time our city representatives also have the opportunity to take a unified and vocal stand on behalf of their citizens. As we said to our councilors in Cambridge, you are in a unique position to amplify our voices beyond the borders of our city. By passing this resolution you say to the entire country, "This is the voice of the people of Newton." Yes, impeachment starts in the House – and there is no better way for Joe Kennedy, Katherine Clark, Mike Capuano and their colleagues in Congress to hear us than by having YOU, our most local of elected officials, listen to us, support us, and strengthen our ability to be heard. Sure, we can call them, write them, visit them. But with your help, our voices are being amplified, and we hope, will make a difference. Please vote YES tonight!

Johanna Schulman 28 Hadley Street Cambridge MA 02140 617.515.9162

Public Comment at June 7 Program and Services Committee Hearing
House Resolution on Impeachment

My name is Deirdre Mallon. I moved to Newton in 1986 and raised two boys here. I've always considered this a wonderful place for them to have grown up.

Last week, in trying to escape the onslaught of depressing news, I picked up a Civil War novel ("My Name is Mary Sutter" by Robin Oleivira). But there is no escape – is there? The following words jumped off the page. I'd like to have them tattooed to my chest, or better yet, to Nancy Pelosi's forehead:

"A country's imminent failure should rouse even the stars to fainting."

That statement made me realize that the Civil War is a more apt historic reference for the peril we find ourselves in than Watergate, because then, as now, it's not at all clear that there will be a nation at the end of this.

Charles M. Blow said (at the Boston ACLU 'Bill of Rights' dinner) recently, "The resistance is a fight for the soul of America."

In other words, if ever there was a time to stand up with moral conviction and make our patriotic concerns known in novel ways, this is it.

But! If one needs precedent, I found one this afternoon, one that also dates back to the 19th century ("A History of Newton," by Samuel Francis Smith).

During the War of 1812, Congress imposed an embargo which was injurious to the Massachusetts' economy. The citizens of Newton filed a Remonstrance pleading for the overturn of the embargo, making a Constitutional argument – just as Ben Clements, Laurence Tribe and others have done – only based on the Commerce Clause, not the two Emoluments Clauses.

I'd like to read a single sentence, mostly in its entirety, and then repeat a fragment of it, substituting in the fragment "the Trump Presidency" for "embargo". Again, the resonance is startling.

"The inhabitants of Newton do not conceive it conducive to public good or the perpetuation of a republic... to meet and approve or condemn public measures, till they are generally understood; but as **the embargo** has so many months been in the full tide of experiment, and its evils so sensibly felt, and its benefits never have been seen, silence in those who consider that they are freemen would be criminal, and would no doubt be construed into a blind acquiescence in Presidential infallibility."

and again:

"... but as **the Trump presidency** has been many months in the full tide of experiment, and its evils so sensibly felt, and its benefits have never been seen, silence... would be criminal..."

I cannot imagine a larger stake for the citizens of Newton than the preservation of our democracy.

Please vote yes and pass this House Resolution.

My name is Holly LeCraw. I am the founder and one of the leaders of Indivisible Newton Centre. I represent over a hundred Newton residents, many of whom are also here. I've lived in Newton since 1999.

I'm here tonight because I was taught that as Americans we were incredibly lucky—lucky about a lot of things, but especially lucky because the basis of our government was the Constitution. I'm of the generation that learned the preamble watching Schoolhouse Rock (I could sing it for you now, but I won't!). As a matter of fact, earlier tonight, at our rally downstairs, we recited the preamble together. I was taught that this document was a gift not only to our nation, but to the world—because it's the basis of democracies the world over.

I didn't realize until very recently how patriotic I was raised to be. I'd always assumed that everyone felt the same way—that our constitution was, in effect, sacred, and that upholding it is the basis of our nation's functionality—of our domestic tranquility, if you will. For nearly 250 years dedication to that document and to the rule of law it represents has been the basis for our surviving and thriving. I thought everyone understood that, and I certainly thought that anyone elected president of these united states would understand that. But, as we have heard tonight from Ben Clements and others, it turned out I was wrong.

I know this body is very concerned about partisanship. That some people have said that this resolution for an impeachment *investigation*—a request simply to bring the facts before the American people, something we have had a dearth of lately—*facts*—is partisan. Well, I cannot tell a lie: I am a Democrat. It would be silly to pretend otherwise. But one of my first political memo-

ries was watching Nixon get into that helicopter and fly off the White House lawn. Since then, I've lived through several Republican presidents, and never once have I called for the impeachment of any one of them—until now. Of course I had policy differences with them, I might have disliked or even despised what they were doing, but I never thought democracy was in danger under their leadership. So, no, this is not a partisan crusade on my part or the part of anyone here.

There is also concern that this is not a local issue. I can't imagine a more local issue. The Constitution is the source of the rule of law, of the individual rights, of the separation of powers that assures those rights, that we enjoy every day. We're here tonight to use the tools we're given as citizens, and by our city's charter, to speak, before this body and ask you, our locally elected representatives, to represent us and to amplify our voices. We are doing everything we can to secure the blessings of liberty to ourselves and our posterity.

Thank you.

Margaret Zaleski Testimony given to Program and Services Committee on June 7,2017

Thank you Chairman Rice and the members of the committee for the opportunity to speak here tonight.

I am a retired state court judge, and in that capacity I myself swore to uphold the constitution. I speak tonight because I can no longer sit silently and watch the office of the president be demeaned by the current occupant through his many violations of the constitution he also swore to uphold.

I will not list the grounds for impeachment as Attorney Ben Clements has already set them forth in sufficient detail - except to say that the emoluments clause violations are numerous and shocking, as are the obstruction of justice charges. They are of grave consequence for our democracy.

This Republican controlled congress will not act until forced to do so by the people of this strong democratic country. We come to say we need you - our elected officials - to hear us, to speak our concerns and to understand that speaking strongly in one voice is of great importance.

I urge this council, understanding that no one is above the law, to pass this resolution so that the investigation for impeachment can begin. There is ample evidence for such an investigation.

On a personal note, I stay awake at night, worried what this president will do. I no longer feel safe in my own country. I fear our democracy is being irreparably harmed, and urge everyone to stand up, speak up, and act for the public good.

Thank you -
Margaret Zaleski

Karyn Dean

From: Alison Leary Mooradian <alisonlearymooradian@gmail.com>
Sent: Wednesday, June 07, 2017 1:25 AM
To: Karyn Dean; David A. Olson
Cc: John Rice; Amy Sangiolo; Gregory R. Schwartz; Jake Auchincloss; Theodore M. Hess Mahan; R. Lisle Baker; David Kalis
Subject: Regarding Impeachment Investigation Resolution (docket #82-17) Before the Programs & Services Committee on Wednesday June 7th.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

ARTICLE I, SECTION 9, CLAUSE 8

Regarding Impeachment Investigation Resolution (docket #82-17) before the Programs & Services Committee on Wednesday June 7th.

We are all part of a larger community and while it is important for the City Council to have a focus on local issues I do think it is important for Newton residents to have their voices heard regarding the very concerning and actions of President Trump. The City Council has received quite a number of emails from residents who do not want their local elected officials to sit silently on the sidelines in the face of growing constitutional abuses, corruption, and the flouting of our laws by the President. As one resident wrote to me. "the refusal to condemn corruption at the highest levels is tantamount to endorsing it in the political system generally, including here in Newton".

I couldn't agree more. The actions of the President are deeply destructive to our core principles of democracy. There is evidence that the President has violated the emoluments clause of the US Constitution, obstructed justice and compromised U.S. Intelligence. The President has known financial ties with Russia and China, owes millions to foreign banks and has refused to adequately insulate himself from his complicated business dealings that create a clear conflict of interest.

Impeachment is a non-partisan call to action for serious violations of the Constitution by the President. Members of Congress need to demonstrate political courage and set aside partisan differences and hold the President accountable for his actions.

I support Resolution # 82-17 and intend to vote in favor of it when it comes before the full City Council for a vote.

Kind regards,

Alison Leary
City Council, Ward 1
Newton, MA

617-821-5619