



Programs & Services Committee Agenda **Special Joint meeting with Finance Committee**

City of Newton **In City Council**

Monday, September 11, 2017

7:00PM – Note Early Start

Room 211

Items Scheduled for Discussion:

Note: Finance and Programs & Services Committees will jointly discuss #138-17(2) and #220-17, as they are related items. Please note that that they are not jointly referred items and will require votes in their respective Committees only.

Referred to Programs & Services Committee

#138-17(2)

Request to place question of new Charter on the November ballot

CITY CLERK requesting the City Council, as required by MGL 43B, Section 11, order the Newton Charter Commission's proposed new charter to be submitted to the voters of the City of Newton for their approval on the November 7, 2017 municipal ballot. The ballot question to read: "Shall the City of Newton approve the new home rule charter recommended by the Charter Commission as summarized below: Yes. No." [06/14/17 @ 2:42PM]

Referred to Finance Committee

#220-17

Transfer \$6,400 from Budget Reserve to mail Charter Commission Report

HIS HONOR THE MAYOR requesting authorization to transfer the sum of six thousand four hundred dollars (\$6,400) from Budget Reserve to supplement funds previously appropriated to the Charter Commission in order to distribute a printed copy of the Charter Commission's final report to all voter households, as required by Massachusetts state law. [07/06/17 @ 9:03 AM]

Referred to Programs & Services and Finance Committees

#259-17

Increase the number of years the City can lease Weeks House

HIS HONOR THE MAYOR requesting consideration of a request to petition the General Court for special legislation to increase the number of years the City of

The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the City of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: jfairley@newtonma.gov or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

Newton is authorized to lease the Weeks House from the current period of sixty-five years, as authorized by the Acts of 1981, Chapter 330, to a period of up to ninety-nine years. [08/07/17 @ 2:23 PM]

Items Not Scheduled for Discussion at this Meeting:

- #265-17** **Mayor's re-appointment of Bethel Charkoudian to the Parks & Recreation Comm**
BETHEL CHARKOUDIAN, 18 Maple Avenue, Newton, re-appointed as the Ward 1 member of the PARKS & RECREATION COMMISSION for a term to expire September 30, 2020. (60 DAYS 11/4/17) [08/09/17 @ 11:18 AM]
- #266-17** **Mayor's re-appointment of Arthur Magni to the Parks & Recreation Commission**
ARTHUR MAGNI, 107 Mount Vernon Street, Newton, re-appointed as the Ward 2 member of the PARKS & RECREATION COMMISSION for a term to expire September 30, 2020. (60 DAYS 11/4/17) [08/09/17 @ 11:18 AM]
- #267-17** **Mayor's re-appointment of Peter Kastner to the Parks & Recreation Commission**
PETER KASTNER, 49 Woodbine Street, Newton, re-appointed as the Ward 4 member of the PARKS & RECREATION COMMISSION for a term to expire October 31, 2020. (60 DAYS 11/4/17) [08/09/17 @ 11:18 AM]
- #268-17** **Mayor's re-appointment of Byron Dunker to the Parks & Recreation Commission**
BYRON DUNKER, 10 Southwick Road, Newton, re-appointed as the Ward 5 member of the PARKS & RECREATION COMMISSION for a term to expire September 30, 2020. (60 DAYS 11/4/17) [08/09/17 @ 11:18 AM]
- #269-17** **Mayor's re-appointment of Andrew Stern to the Parks & Recreation Commission**
ANDREW STERN, 56 Tyler Terrace, Newton, re-appointed as the Ward 6 member of the PARKS & RECREATION COMMISSION for a term to expire September 30, 2020. (60 DAYS 11/4/17) [08/09/17 @ 11:18 AM]
- #270-17** **Mayor's re-appointment of Richard Tucker to the Parks & Recreation Commission**
RICHARD TUCKER, 23 Woodman Road, Newton, re-appointed as the Ward 7 member of the PARKS & RECREATION COMMISSION for a term to expire September 30, 2020. (60 DAYS 11/4/17) [08/09/17 @ 11:18 AM]
- #271-17** **Mayor's re-appointment of Patrick Palmer to the Parks & Recreation Commission**
PATRICK PALMER, 37 Arapahoe Road, Newton, re-appointed as an alternate member of the PARKS & RECREATION COMMISSION for a term to expire October 31, 2019. (60 DAYS 11/4/17) [08/09/17 @ 11:18 AM]
- #272-17** **Mayor's re-appointment of Jack Neville to the Parks & Recreation Commission**
JACK NEVILLE, 68 High Street, Newton, re-appointed as an alternate member of the PARKS & RECREATION COMMISSION for a term to expire September 30, 2020. (60 DAYS 11/4/17) [08/09/17 @ 11:18 AM]

- #273-17 Mayor's re-appointment of Michael Clarke to the Parks & Recreation Commission**
MICHAEL CLARKE, 1115 Beacon Street, #9, Newton, re-appointed as an alternate member of the PARKS & RECREATION COMMISSION for a term to expire September 30, 2019. (60 DAYS 11/4/17)[08/09/17 @ 11:18 AM]
- #274-17 Mayor's re-appointment of Sam Figler to the Parks & Recreation Commission**
SAM FIGLER, 63 Summer Street, Newton, re-appointed as an alternate member of the PARKS & RECREATION COMMISSION for a term to expire October 31, 2018. (60 DAYS 11/4/17) 08/09/17 @ 11:18 AM
- #483-14 Resolution to promote cooperative programs with food establishments**
PROGRAMS & SERVICES COMMITTEE proposing a RESOLUTION to promote a cooperative program with food establishments in the City, the Newton-Needham Chamber of Commerce, the Economic Development Commission, the Director of Economic Development and members of the Board of Aldermen, to find opportunities for these establishments to provide their food services for events in the City. [12/02/14 @ 3:56 PM]
- #193-17 Rules amendment: Referral of business**
CITY CLERK requesting a Rules amendment to Section 3, Referral of business to Committees, Item D by replacing the word "petition" in the first sentence with the words "docket item." [06/09/17 @ 4:02PM]
- #194-17 Rescission of date and time notation on docket items**
CITY CLERK requesting rescission of Council Order #369-06 ALD. JOHNSON requesting that all newly docketed items, when appearing on the new docket, shall include the date and time that the item was received by the Clerk's office and the name of the clerk who received the item. [06/09/17 @ 4:02PM]
- #246-17 Citizens Petition requesting a resolution supporting later high school start time**
JEFFREY PONTIFF ET AL. submitting a petition, pursuant to Section 10, Section 2 of the City of Newton Charter, requesting a Resolution from the City Council acknowledging the scientifically documented benefits of a later school time and supporting the Newton Public Schools to take action to delay high school start times.[07/28/17 @ 1:30 PM]
- #247-17 Citizens Petition requesting measures limiting City Council action to city issues**
JANET STERMAN ET AL. submitting a petition, pursuant to Section 2 of the City of Newton Charter, for the City to adopt measures so that all new matters taken under discussion by the City Council pertain solely to the operation of the City; that all matters presented to the City Council pertaining to the operation of the Commonwealth of Massachusetts be referred to state Representatives and Senators representing the City of Newton; and that all matters pertaining to the operation of the United States federal government be referred to the United States

Representatives and Senators representing Massachusetts. (90 days: 11/12/17)
[07/31/17 @ 10:10 AM]

- #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.
[02/08/16 @ 1:51 PM]
- #300-16** **Ordinance to register lobbyists**
COUNCILORS COTE, NORTON AND HARNEY proposing an ordinance to register lobbyists in the City of Newton. [08/10/16 @ 3:11 AM]
- #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]
- #31-15(6)** **Amendment to noise ordinance relative to leaf blowers**
COUNCILOR LEARY proposing to amend Chapter 20, Restrictions on use of leaf blowers, to specify permitted hours of use of electric and battery powered leaf blowers from Memorial Day through Labor Day and to exclude, at all times, the use of gasoline or fuel-based generators to charge leaf blower batteries or to power electric leaf blowers. [03/13/17 @ 3:26PM]
- #34-13** **Ordinance to prohibit polystyrene food/beverage containers**
ALD. DANBERG, ALBRIGHT, BLAZAR, RICE, LINSKY AND CROSSLEY requesting a prohibition on polystyrene-based disposable food or beverage containers in the City of Newton if that packaging takes place on the premises of food establishments within the City. [01/03/13 @ 11:01 AM]

Referred to Programs & Services and Public Safety & Transportation Committees

- #46-17** **Discussion regarding how community policing works**
COUNCILOR ALBRIGHT requesting a discussion with the Chief of Police and/or members of his department to explain to the City Council how “community policing” works in Newton, how it differs from traditional policing, how staffing differs from traditional departments, and how it benefits Newton. [02/20/17 @ 3:21 PM]

- #363-16** **Amendment to the City Council Rules for yearly review of City Clerk’s salary**
PRESIDENT LENNON AND VICE PRESIDENT LAPPIN requesting an amendment to Article XI of the Rules and Orders of the City Council to require an annual review of the salary of the City Clerk/Clerk of the Council. [10/26/16 @ 3:58 PM]

Referred to Programs & Services and Public Facilities Committees

- #344-16** **Discussion regarding oversight of all city/school buildings to improve efficiencies**
COUNCILOR LAPPIN requesting a discussion regarding the Public Buildings Department overseeing all public buildings, including School Department facilities, to improve efficiencies. [10/07/16 @ 10:47 AM]

- #301-16** **Amendment to the Tree Preservation Ordinance**
COUNCILOR SANGIOLO requesting an amendment to the Tree Preservation Ordinance so that any tree removal requested by a city department be forwarded to the Urban Tree Commission and all tree removal requests under the Tree Preservation Ordinance be posted online to give residents and interested citizens notification. [08/09/16 @10:30 PM]

- #264-16** **Ord. requiring Councilor notice of and involvement in street tree waiver requests**
COUNCILORS HESS-MAHAN, NORTON, KALIS, COTE, DANBERG, HARNEY, SANGIOLO, LEARY AND YATES requesting an ordinance requiring that Councilors from each respective ward be given notice and a meaningful opportunity to object to granting a hardship waiver or permit to remove a street tree. [07/21/16 @ 11:40 AM]

Referred to Land Use, Programs & Services, and Finance Committees

- #256-16** **Request to extend notification area of notice for special permit petitions**
COUNCILORS COTE, NORTON, HARNEY, BLAZER, BROUSAL-GLASER, AND LEARY requesting an amendment to the City Council Rules, Article X; Section 6 – Additional Notification Requirements, to include that the area of notice for special permit petitions be expanded beyond the abutters to abutters within 300’ required by Massachusetts General Law Chapter 40A to also include property owners within 600’ of the subject property. This notification will apply to all classes of building except for residential 1 and 2-family units that will remain 1 or 2-family units after receiving a special permit. Only abutters to abutters within 300’ will be entitled to the rights conferred by Massachusetts General Law Chapter 40A [07/01/16 @2:09 PM]

Referred to Programs & Services and Public Facilities Committees

- #141-15** **Discussion on tracking the gas utility infrastructure in Newton**
ALD. BROUSAL-GLASER, SANGIOLO, HESS-MAHAN, COTE, NORTON AND ALBRIGHT requesting a discussion with *the Director of Urban Forestry*, a representative of the Department of Public Works and a representative of the Law Department about tracking and improving the condition of the gas utility infrastructure in Newton, new state statutes governing infrastructure repairs, coordination of increased repair

work with city operations, the status of negotiations with National Grid to compensate for tree deaths resulting from gas leaks, and the possibility of creating a utilities working group to monitor progress on these and related issues.

05/26/15 @ 2:53 PM]

Referred to Programs & Services and Public Facilities Committees

#201-15

Discussion of the condition of the Kennard Estate on Dudley Road

ALD. SANGIOLO requesting a discussion with the Commissioner of Public Buildings, the Commissioner of Parks and Recreation, and the Executive Department regarding the condition of the property located at 246 Dudley Road (Kennard Estate) and how much, if any, repairs and upgrades will be needed as the City relocates the Parks and Recreation Department to that location. [09/01/15 @ 4:00 PM]

Referred to Programs & Services and Finance Committees

#216-14

Ordinance amendment for notification of vacancy of unit and/or condo conversion

ALD. HESS-MAHAN, ALBRIGHT, BAKER, CROSSLEY, NORTON AND SANGIOLO

proposing the following amendments to Chapter 12 Health and Human Services of the Revised Ordinances to:

- require owners of dwellings requiring a Certificate of Habitability under Section 12-1 and real estate agents/brokers who receive compensation in connection with the particular real estate transaction to notify the Commissioner of Health and Human Services whenever an apartment, tenement, or room in a lodging house is vacated by the occupant or when an area in an existing building is converted to a condominium prior to being reoccupied by a new tenant, lodger or occupant;
- require educational institutions to disclose addresses of undergraduates living off-campus in Newton;
- require a fee for certification; and
- impose a fine for violation of these provisions. [05/14/14 @11:51 AM]
FINANCE VOTED NO ACTION NECESSARY 7-0 12/14/15

#398-13

Discussion of complementary ordinance or regulations for Marijuana Dispensaries

ALD. BAKER & DANBERG requesting a discussion of a possible ordinance, regulations or otherwise, to complement zoning regulation of any licensed Registered Marijuana Dispensaries to respond to any secondary impacts so as to make the operation of such dispensaries as successful as possible. [10/28/13 @ 10:00 AM]

UPDATE ITEMS:

Referred to Programs & Services Committees and Public Facilities

- #12-17** **Request for updates on the Library Expansion Project**
COUNCILORS CROSSLEY, ALBRIGHT AND BLAZAR requesting periodic updates from the Library Trustees and Library Director on the Library expansion project. [01/03/2017 @ 3:55 PM]

Referred to Programs & Services Committees and Public Facilities

- #13-17** **Request for updates on the Archive Expansion Project**
COUNCILORS CROSSLEY, ALBRIGHT, AND BLAZAR requesting periodic updates from the City Clerk on the Archives expansion project. [01/03/2017 @ 3:56 PM]

Referred to Programs & Services and Public Facilities Committees

- #27-16** **Updates from the Administration on the renovations at the Aquinas site**
PROGRAMS & SERVICES AND PUBLIC FACILITIES COMMITTEES requesting that the School Department and/or Executive Department provide updates on removal of asbestos and other toxic materials that were identified at the Aquinas site, the scope and timing of window replacement in particular, and renovations that may be necessary to facilitate short and long-term plans for uses and operations at the site. [01/10/16 @ 1:14 PM]

Referred to Programs & Services and Public Safety & Transportation Committees

- #312-15** **Update from Health Department on opiate overdose epidemic**
ALD. COTE, HARNEY AND NORTON, requesting a review and discussion of the opiate overdose epidemic including an update from the Health Department appraising the board on the current situation to include comparative statistics from previous years as to the number of opiate overdoses handled by first responders. In addition, what is being done immediately to take this on and what support can the Board provide

- #377-14** **Discussion of proposed changes of use of the Senior Center**
THE PROGRAMS & SERVICES COMMITTEE requesting a discussion with the Director of Senior Services, the Council on Aging and the Executive Department relative to changes in the use of the Senior Center at 345 Walnut Street. [10/16/14 @ 5:43 PM]

Referred to Programs & Services and Public Facilities Committees

- #119-14** **Update from Inspectional Services on ADA compliance of City properties**
ALD. ALBRIGHT AND CROSSLEY requesting discussion with the Inspectional Services Department to explain the development of short and long term plans to identify and correct buildings, sidewalks, playgrounds, etc., that do not conform to American Disability Act (ADA) standards. The discussion should include information on how improvements will be incorporated into the Capital Improvement Plan or if less than

\$75,000 into a comprehensive budget plan to correct ADA deficiencies. [03/12/14
@ 4:18 PM]

Respectfully Submitted,

John B. Rice, Chair



Memorandum

To: Councilors
From: David Olson
Re: Monday, September 11, 2017
Date: September 8, 2017

Councilors,

At the joint Programs & Services and Finance Committee meeting on Monday night, the request to place the question of a new Charter for Newton on the November ballot will need to be voted on by the Committee.

#138-17(2) Request to place question of new Charter on the November ballot

CITY CLERK requesting the City Council, as required by MGL 43B, Section 11, order the Newton Charter Commission's proposed new charter to be submitted to the voters of the City of Newton for their approval on the November 7, 2017 municipal ballot. The ballot question to read: "Shall the City of Newton approve the new home rule charter recommended by the Charter Commission as summarized below: Yes. No." [06/14/17 @ 2:42PM]

As a reminder, Mass General Law, Chapter 43B, section 11, requires that "Upon submission of the final report of a Charter Commission . . . the city council or board of selectmen shall order the proposed charter . . . to be submitted to the voters of the city or town for their approval at the first regular city election . . . held at least two months after submission."

The Council is required by MGL 43B, sec. 11 to vote to place the question of a new charter on the November 7, 2017 municipal ballot. The form of the question on the ballot is prescribed by the law and requires a summary to follow the question as prepared by the Charter Commission. After the last Committee discussion in August, the Charter Commission met and approved a change to their submitted text.

The revised text is as follows:

"Shall this city approve the new charter recommended by the charter commission summarized below?

YES

NO

SUMMARY

Effective with the 2019 municipal election the size of the city council will be reduced from 24 members to 12, with one councilor from each of the 8 wards and 4 councilors who can live anywhere in the city. All councilors will be elected by the voters citywide for 2-year terms. Voters will continue to elect a mayor as the city's chief executive officer for a 4-year term and the school committee will continue to be a 9-member body with one member from each of the 8 wards plus the mayor, all elected citywide. Term limits, which currently exist for the school committee, will be added for the mayor (3 consecutive terms/12 years) and councilors (8 consecutive terms/16 years).

Effective with the adoption of this charter, school committee responsibilities will be updated to reflect current practice and state law. Current practices will be codified for financial reporting, including an annual financial audit. A newly required inventory of capital assets will accompany the capital improvement plan. Voters' access to initiative petition and referendum will be maintained, adding a minimum of 20 per cent participation required in such votes. Public comment policies will be established by each city body. Charter review will be required every 10 years.

These represent the major changes to the city charter.”

A red-lined comparison of the original and revised texts is attached for comparison.

The Finance Committee will be discussing the additional funds requested by the Charter Commission to complete the requirement to send its final report to the voters of Newton.

#220-17**Transfer \$6,400 from Budget Reserve to mail Charter Commission Report**

HIS HONOR THE MAYOR requesting authorization to transfer the sum of six thousand four hundred dollars (\$6,400) from Budget Reserve to supplement funds previously appropriated to the Charter Commission in order to distribute a printed copy of the Charter Commission's final report to all voter households, as required by Massachusetts state law. [07/06/17 @ 9:03 AM]

Mass General Law, Chapter 43B, section 11, which governs new charter proposals requires that “The city council or board of selectmen shall cause the final report of a Charter Commission . . . to be printed and a copy to be distributed to each residence of one or more registered voters. Such distribution shall occur not later than two weeks before the election at which the question . . . is to be submitted to the voters.”

Initial quotes for the printing and mailing of the final report indicated that the Charter Commission would need additional funds to print and mail the report to the 33,000 households in Newton. Since the request was made the Charter Commissioners have been seeking additional quotes which are coming in lower. Funds not spent by the Charter Commission would be returned to the City.

I will be at the Committee meetings on Monday night to answer any questions you may have.

David

Shall this city approve the new charter recommended by the charter commission, summarized below?

YES

NO

SUMMARY

Effective with the 2019 municipal election the size of the city council will be reduced from 24 members to 12, with ~~8 members representing one councilor from each of the 8~~ wards and 4 ~~members~~councilors who can live anywhere in the city. All ~~members~~councilors will be elected by the voters citywide for 2-year terms. Voters will continue to elect a mayor as the city's chief executive officer for a 4-year term and the school committee will continue to be a 9-member body with ~~8 members representing one member~~ from each of the 8 wards plus the mayor, all elected citywide. Term limits, which currently exist for the school committee, will be added for the mayor (3 consecutive terms/12 years) and councilors (8 consecutive terms/16 years).

Effective with the adoption of this charter, school committee responsibilities will be updated to reflect ~~changes in current practice and~~ state law. ~~Modern~~Current practices will be ~~adopted~~codified for financial reporting, including an annual financial audit. ~~A newly required~~ inventory of capital assets ~~and progress~~ ~~on~~will accompany the capital improvement plan. Voters' access to initiative petition and referendum will be maintained, ~~with~~adding a minimum of 20 per cent participation required in such votes. Public comment policies will be established by each city body. Charter review will be required every 10 years.

These represent the major changes to the city charter.



Memorandum

To: Members of the Programs and Services and Finance Committees
From: Councilors Baker and Schwartz
Date: September 8, 2017
Subject: Report about Charter ballot language and other questions related to #138-17(2)

Several questions were raised related to 138-17(2) relating to putting the Charter adoption on the Ballot in November which we discussed at our last meeting. This memorandum reports our understanding of those responses.

Charter Commission ballot question summary. The first question involved the accuracy of the Charter Commission Ballot Question summary where the term “representing” was used to describe Councilors and School Committee members residing in each ward but elected citywide. There were also questions raised about the description of financial language.

Several of us clarified those concerns in a letter to the Commission, attached. The Charter Commission has now offered a revised summary which removes “representing” and clarifies some financial language. The revised summary does not yet make explicit, however, the elimination of Ward Councilors or the loss of an additional Councilor at large from each ward, as major changes from the current Charter.

Even versus odd numbered new City Council. A provision of state law relating to new charters appended to this report, General Law c. 43B, sec. 20 (c) (3) appears to require “multi-member bodies,” such as a modified City Council, to have an odd number of members. (Indeed, the same chapter 43B requires a Charter Commission itself to have nine members). The Newton Law Department was not willing to give a formal legal opinion about this language, deferring to the Attorney General. Informally, the response was that the Charter Commission had in the Charter exempted the City Council from its definition of “multi-member bodies,” and that this was controlling over the state law because of the general purpose of chapter 43B was to allow local charters to have provisions that state law would not otherwise permit. Left unanswered, however, is how that would apply to a limitation which appears in the same law purporting to give Charter Commissions that authority, which means a definitive answer may ultimately require judicial interpretation.

Redlined changes from the current Charter. We had asked if there is a redlined version of the current charter showing the specific changes made by the proposed new language. City Clerk David Olson responded that there is no redlined version, but a side by side comparison of the two is available through his office, and may be placed on the Election Commission web site.

Conclusion. While the Charter Commission has improved its ballot question summary, we believe that Newton voters may still not be clear on what is being changed from the current Charter as well as what is being proposed. Therefore, we hope that the City Solicitor’s own summary, which will accompany the Charter Commission ballot summary in the Election Commission mailing, can help further clarify what is being changed as well as what is being proposed.

Cc: City Council; Newton Charter Commission; Newton Law Department

1000 Commonwealth Avenue ▪ Newton, MA 02459
617-796-1210 www.newtonma.gov



August 28, 2017

Newton Charter Commission
c/o Josh Krintzman, Chair
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Re: Questions regarding the Charter Commission's upcoming Ballot Question Summary

Dear members of the Commission:

We are writing regarding the current Ballot Question summary of the Charter Commission's work that is to be sent to all Newton households prior to the November election, reproduced in an Appendix to this letter. We urge that the summary be rewritten to be more accurate in several respects.

First, the current language gives the impression that the Councilors at Large in the City Council would be "representing" their wards, rather than as they are now described in the current Charter as being "elected from the eight wards of the City," or as the proposed Charter states, "...domiciled in the ward from which elected but shall be nominated and elected by the voters of the city, 1 councilor to be elected from each of the 8 wards of the city." (See Appendix.)

Second, the Ballot summary contains no reference to the elimination of the existing Ward Councilors. Because they are being eliminated, the summary should say so to avoid any misunderstanding on the part of voters.

Finally, the language in the summary regarding the City's finances gives the inaccurate impression that certain financial practices, such as an annual audit and the Council's review of the Capital Improvement Plan, are not already in place, rather than being proposed for referencing in the Charter.

Regardless of whether one is in favor or against the proposed new Charter, we hope that you would agree that the voters should know in clear, unambiguous language what is being proposed, especially since the Charter Commission ends its summary with the important sentence: "These represent the major changes to the City Charter."

Therefore, the following is suggested remedial language for the references in the Commission's Ballot Question summary relating to Councilor and School Committee. (This is updated language initially provided at the Programs and Services Committee meeting.)

Effective with the 2019 municipal election the city council will be reduced from 24 members to 12, with 8 members ~~representing wards~~ **who live in their respective wards** and 4 members who can live anywhere in the city. All members will be elected by the voters citywide for 2-year terms. **Ward Councilors elected only by their wards would be eliminated from the Council, as would one councilor living in each ward elected by voters citywide.** Voters will continue to elect a mayor as the city's chief executive officer for a 4-year term and the school committee will continue to be a 9-member body with 8 members ~~representing wards~~ **who live in their respective wards**, plus the mayor, all elected citywide. Term limits, which currently exist for the school committee, will be added for the mayor (3 consecutive terms/12 years) and councilors (8 consecutive terms/16 years).

We leave it to the Commission to draft appropriate language regarding the financial aspects referenced earlier.

In summary, the undersigned respectfully request that the Commission rewrite its proposed Ballot summary to clarify it as indicated.

Sincerely,

Councilors Lisle Baker, Len Gentile, Marc Laredo, Amy Sangiolo and Greg Schwartz

Appendix

1. The current Charter:

There shall be a city council of 24 members which shall exercise the legislative powers of the city. Sixteen of these members to be known as councilors at large, shall be nominated and elected by the voters at large, 2 such councilors at large to be elected from each of the 8 wards of the city.... There shall be a school committee of 9 members, which shall exercise control and management of the public schools of the city. Eight of these members, who shall be known as school committee members, shall be nominated and elected by the voters at large, 1 school committee member to be elected from each of the 8 wards of the city.

2. The proposed Charter:

There shall be a city council of 12 members which shall exercise the legislative powers of the city. Eight of the council members, to be known as councilors-by-ward, shall be domiciled in the ward from which elected but shall be nominated and elected by the voters of the city, 1 councilor to be elected from each of the 8 wards of the city. The other 4 members, to be known as councilors-at-large, shall be nominated and elected by the voters of the city.... There shall be a school committee of 9 members; 8 of whom shall be known as school committee members. The school committee members shall be nominated and elected by the voters of the city, 1 school committee member to be elected from each ward of the city.

3. The current Charter Commission Ballot Question Summary:

“Shall the City of Newton approve the new charter recommended by the Charter Commission summarized below?

Yes ___
No ___

Effective with the 2019 municipal election the city council will be reduced from 24 members to 12, with 8 members representing wards and 4 members who can live anywhere in the city. All members will be elected by the voters citywide for 2-year terms. Voters will continue to elect a mayor as the city's chief executive officer for a 4-year term and the school committee will continue to be a 9-member body with 8 members representing wards plus the mayor, all elected citywide. Term limits, which currently exist for the school committee, will be added for the mayor (3 consecutive terms/12 years) and councilors (8 consecutive terms/16 years).

Effective with the adoption of this charter, school committee responsibilities will be updated to reflect changes in state law. Modern practices will be adopted for financial reporting, including an annual financial audit, inventory of capital assets and progress on the capital improvement plan. Voters' access to initiative petition and referendum will be maintained, with a minimum of 20 per cent participation required in such votes. Public comment policies will be established by each city body. Charter review will be required every 10 years.

These represent the major changes to the city charter.”



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#220-17

Telephone
(617) 796-1100

Telefax
(617) 796-1113

TDD
(617) 796-1089

E-mail
swarren@newtonma.gov

July 5, 2017

Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton Centre, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Council docket for consideration a request to authorize the transfer and expenditure of \$6,400 from Acct # 0110498-5790 FY18 Budget Reserve to supplement funds previously appropriated to the Charter Commission. MA state law requires the city to distribute a printed copy of the charter Commission's final report to the approximately 33,000 voter households no later than 14 days prior to the November election.

The Commission did not use all of the funds in its budget and can contribute over \$20,500 to offset the mailing costs.

Thank you for your consideration of this matter.

Sincerely,

Setti D. Warren
Mayor

RECEIVED
NEWTON CITY CLERK
2017 JUL -6 AM 9:08
DAVID A. OLSON, OMC
Newton, MA 02459



City of Newton, Massachusetts
Office of the Mayor

SETTI D. WARREN
MAYOR

#259-17

Telephone
(617) 796-1100
Telefax
(617) 796-1113
TDD
(617) 796-1089

E-mail
swarren@newtonma.gov

August 7, 2017

Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton Centre, MA 02459

Ladies and Gentlemen:

RECEIVED
Newton City Clerk
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David A. Olson, CMC
Newton, MA 02459

I write to request that your Honorable Council docket for consideration a request to petition the General Court for special legislation to increase the number of years the City of Newton is authorized to lease the Weeks House, formerly the John W. Weeks School, from the current period of sixty-five years (as authorized by special legislation Acts 1981, c. 330) to a period of up to ninety-nine years. The building is leased to the Newton Community Development Foundation ("NCDF") for elderly and affordable housing.

In addition, I request that this Honorable Board docket for consideration a corresponding request to petition the General Court for special legislation to allow the City of Newton to grant an extension of the current lease to NCDF without the need to undertake a procurement process under M.G.L. c. 30B.

The need for this special legislation stems from a request from NCDF to extend their current lease beyond the original 65 year period so that they may obtain new financing from MassHousing for substantial capital maintenance and improvements over the next twenty years. HUD and lenders require that the lease be extended as a condition of the financing. Please see the attached memorandum for a more detailed background.

Thank you for your consideration of this matter.

Sincerely,

Setti D. Warren
Mayor

Weeks House –Special Legislation Request

Background:

- In 1983, the City leased the Weeks School, now known as the Weeks House, to Newton Community Development Foundation, Inc. (NCDF) as result of 1979 and 1980 re-use board orders and recommendations for its use for affordable and elderly housing. Currently, Weeks House provides 75 units of mixed income rental, 42 of which are rented to very low income seniors and families at or below 50% of area median income.
- The lease term is 65 years, commencing December 1, 1983. The current lease term will expire on November 30, 2048.
- In order to legally lease a municipal building for more than the 30 years allowed by statute (MGL c. 40 §3), the City, in 1981, obtained special legislation authorizing it to lease any of its municipal buildings for up to 65 years. (Acts 1981, c. 330).
- NCDF is current on its annual rent payment to the City in the amount of \$60,000 plus 20% of the amount by which gross effective rent for any year exceeds the amount projected by the original lender as of date of first occupancy.

1. Lease Extension Request

- NCDF wishes to obtain new financing (in the form of HUD/HFA Risk Share Financing) from MassHousing for substantial capital maintenance and improvements over the next twenty years. As a condition for the loan, HUD and lenders require that the lease from the City be extended at least through 2066 (an additional 18 years beyond the current expiration date of 2048).
- City action that would be required: in order to extend the lease beyond the original 65 years (the maximum allowed by the 1981 special legislation), the City will have to submit a new home rule petition to authorize it to lease a municipal building for more than the 65 years authorized in the 1981 special act.

RECOMMENDATION: seek home rule legislation allowing the City to lease the Weeks School for up to a 99 year term in order to provide the City with flexibility to extend the lease as required by HUD and lenders as a condition for NCDF's refinancing.

2. MGL c. 30B Procurement Issue

MGL Chapter 30B would require the City to undertake a procurement process in order to grant a lease extension for the property. Because the new lease interest would not even begin until 2048, when the current lease ends, no entity other than NCDF is likely to bid.

RECOMMENDATION: Rather than expend time and money on what would essentially be a meaningless procurement process, seek special legislation to specifically authorize the City to grant the lease extension for Weeks House to NCDF notwithstanding the requirements of Chapter 30B.

DRAFT

AN ACT AUTHORIZING THE CITY OF NEWTON
TO LEASE THE JOHN W. WEEKS SCHOOL
FOR A TERM OF YEARS NOT EXCEEDING
NINETY-NINE YEARS AND TO GRANT A LEASE EXTENSION TO THE
CURRENT LESSEE OF THE FORMER JOHN W. WEEKS SCHOOL
WITHOUT UNDERTAKING A PROCUREMENT PROCESS

Be it enacted as follows:

Section 1. Notwithstanding the provisions of section three of chapter forty of the general laws or chapter 330 of the Acts of 1981 or of any other law to the contrary, the City of Newton is hereby authorized to lease the John W. Weeks School for a term of years not exceeding ninety-nine years.

Section 2. Notwithstanding the provisions of chapter 30B of the general laws or of any other law to the contrary, the City of Newton is hereby authorized to grant a lease extension to Newton Community Development Foundation, Inc., the current lessee of the John W. Weeks School, without undertaking a procurement process

Section 3. This act shall take effect upon its passage.