



Programs & Services Committee Agenda

City of Newton In City Council

Wednesday, November 8, 2017

7:00PM – NOTE EARLY START

Room 211/Council Chamber

Items Scheduled for Discussion:

Referred to Programs & Services and Finance Committees

#351-17

Bond authorization for \$215,000 to purchase a bucket truck for the Forestry Div
HIS HONOR THE MAYOR requesting authorization to appropriate and expend two hundred fifteen thousand dollars (\$215,000) from bonded indebtedness for the purpose of purchasing a bucket truck for the Forestry Division of the Parks and Recreation Department. [10/30/17 @ 2:15 PM]

Referred to Programs & Services and Finance Committees

#352-17

Bond authorization for \$213,000 to renovate tennis courts at McGrath Park
HIS HONOR THE MAYOR requesting authorization to appropriate and expend two hundred thirteen thousand dollars (\$213,000) from bonded indebtedness for the purpose of renovating three tennis courts at McGrath Park. [10/30/17 @ 2:15 PM]

Referred to Programs & Services and Finance Committees

#353-17

Bond authorization for \$192,000 for two Parks & Recreation trash/recycling trucks
HIS HONOR THE MAYOR requesting authorization to appropriate and expend one hundred ninety two thousand dollars (\$192,000) from bonded indebtedness for the purpose of replacing the current Parks & Recreation trash truck with two F-550 6-cubic yard packers – one for trash and one for recycling. [10/30/17 @ 2:14 PM]

#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]

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.

Referred to Programs & Services and Zoning & Planning Committees

- #276-17** **Ordinance amendments to allow food trucks**
THE ECONOMIC DEVELOPMENT COMMITTEE, COUNCILORS FULLER, HESS-MAHAN, KALIS, LENNON, LIPOF, NORTON, AND SANGIOLO requesting to amend Chapter 17, Sections 17-46 through 17-50 to allow Food Trucks to locate and operate on public streets in Newton subject to licensing by the Health Department and to location permitting requirements, initially restricted to Wells Avenue; to introduce new rules applicable to all Food Trucks operating in the City; and requesting to amend Chapter 30 to allow Food Trucks in the Public Use District subject to the same restrictions and requirements. [08/24/17 @ 4:17 PM]
- Public Hearing to be held on the following item:*
- #313-17** **Amendment to City Charter to change the composition of the City Council**
COUNCILORS BROUSAL-GLASER, BLAZAR, CICCONE, COTE, DANBERG, HARNEY, KALIS, LAPPIN, LAREDO, LIPOF, NORTON, RICE, SANGIOLO AND SCHWARTZ requesting that if the Charter Commission proposal is not approved by voters on November 7, 2017, the City Council seek Home Rule Legislation to amend the City Charter to change the composition of the City Council from 16 Councilors-at-Large and 8 Ward Councilors, to 8 Councilors-at-Large and 8 Ward Councilors. [09/25/17 @9:03 PM]
- #322-17** **Mayor's appointment of Peter Doherty to Newton Commonwealth Foundation**
PETER DOHERTY, 66 Harvard Street, Newtonville appointed as a member of the NEWTON COMMONWEALTH FOUNDATION for a term to expire December 31, 2020. (60 days 12/15/17) [10/06/17 @ 8:47 AM]
- #323-17** **Mayor's re-appointment of Marietta Marchitelli to Jackson Homestead**
MARIETTA MARCHITELLI, 100 Waverly Avenue, Newton re-appointed as a Trustee of the JACKSON HOMESTEAD for a term to expire November 1, 2020. (60 days 12/15/17) [09/27/17 @ 3:33 PM]
- #324-17** **Mayor's re-appointment of Russel Feldman to Jackson Homestead**
RUSSEL FELDMAN 85 Langley Road, Newton Centre, re-appointed as a Trustee of the JACKSON HOMESTEAD for a term to expire November 1, 2020. (60 days 12/15/17) [09/27/17 @ 3:33 PM]
- #336-17** **Mayor's re-appointment of Thekla Diehl to Biosafety Committee**
THEKLA DIEHL, 102 Parker Avenue, Newton re-appointed as a member of the BIOSAFETY COMMITTEE for a term to expire December 31, 2020. (60 days 1/5/18) [10/13/17 @ 3:23 PM]

Items Not Scheduled for Discussion at this Meeting:

Public Hearing continued to December 6:

#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]

Public hearing to be assigned for December 6, 2017

#337-17 **Citizens Petition requesting an ordinance mandating NPS curriculum transparency**
CHARLES JACOBS ET AL. submitting a petition, pursuant to Section 10, Section 2 of the City of Newton Charter, requesting an ordinance mandating the Newton Public School system to publicize on the internet all curricular materials, sources, syllabi, teacher and student workshops, as well as school calendars publicizing invited guest speakers and/or organizations and designated student field trips in each of the grades from K-12. [10/31/17 @ 11:34 AM]

Referred to Prog & Serv, Pub Safety & Trans, Zoning & Planning & Finance Comms

#140-14 (2) **Amend ordinances to add licensing requirements and criteria for lodging houses**
ZONING & PLANNING COMMITTEE requesting to amend Chapter 17, City of Newton Ordinances, to establish licensing requirements and criteria for lodging houses.]

#294-17 **Acceptance of MGL to allow cooking facilities in lodging houses**
COUNCILORS CROSSLEY, HESS-MAHAN AND NORTON requesting to accept the provisions of MGL c. 140 Section 22A allowing cooking facilities in Lodging Houses on a limited basis.

#325-17 **Request to increase capacity for stewardship of open space assets**
COUNCILORS ALBRIGHT, LEARY AND CROSSLEY requesting that the Council and Mayor more effectively address one of the goals of the Open Space Plan: "To undergird the City's capacity for sound stewardship of its open space assets." The plan reflects our community's concern about the quality of our parks, playgrounds, open space, facilities, and equipment as regards the resources in the budget for these things. We ask that the Mayor develop and the City Council approve a long-range comprehensive plan and strategy to properly care for and maintain Newton's open space and park facilities across the city for maximum public benefit. We also ask for a comparison per capita regarding how much we spend on our parks as

compared to other cities and town with whom we often compare ourselves.
[09/28/17 @ 2:08 PM]

- #297-17** **Requesting Purple Heart Designation for the City of Newton**
COUNCILORS YATES, COTE, FULLER, DANBERG AND NORTON requesting that the Veteran's Agent and the Executive Office take all necessary steps to designate Newton as a Purple Heart City. [09/05/17 @ 7:08PM]
- #298-17** **Requesting feasibility report on establishing Summer Food Service Program**
COUNCILORS YATES, FULLER, NORTON, SANGIOLO AND LENNON requesting His Honor the Mayor report to the City Council and the School Committee on the feasibility of establishing a Summer Food Service Program in Newton and to implement and application for such program. [09/06/17 @ 2:28PM]
- #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]
- #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]
- #158-16** **Ordinance to require notice on gas pumps relative to climate change**
COUNCILORS NORTON AND SANGIOLO 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]

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

#351-17



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

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

TDD
(617) 796-1089

E-mail
swarren@newtonma.gov

October 30, 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 appropriation of the sum of \$215,000 and authorize a general obligation borrowing of an equal amount to purchase a Bucket Truck for the Forestry Division. This item is included in the FY19-FY23 Capital Improvement Plan.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in cursive script that reads "Setti D. Warren".

Setti D. Warren
Mayor

RECEIVED
Newton City Clerk
2017 OCT 30 PM 2:15
David A. Olson, CMC
Newton, MA 02459



City of Newton, Massachusetts
Office of the Mayor

SETTI D. WARREN
MAYOR

#352-17
Telephone
(617) 796-1100
Telefax
(617) 796-1113
TDD
(617) 796-1089
E-mail
swarren@newtonma.gov

October 30, 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 appropriation of the sum of \$213,000 and authorize a general obligation borrowing of an equal amount for the renovation of three tennis courts at McGrath Park. This item is included in the FY19-FY23 Capital Improvement Plan.

Thank you for your consideration of this matter.

Sincerely,

Setti D. Warren
Mayor

RECEIVED
Newton City Clerk
2017 OCT 30 PM 2:16
David A. Olson, CMF
Newton, MA 02459



SETTI D. WARREN
MAYOR

NEWTON PARKS AND RECREATION DEPARTMENT

246 Dudley Rd., Newton, MA 02459
Office: (617) 796-1500 / Fax: (617) 796-1512
TDD/TTY: (617) 796-1089
parks@newtonma.gov



ROBERT J. DERUBEIS
COMMISSIONER

October 30, 2017

Honorable Mayor Setti D. Warren
Newton City Hall
1000 Commonwealth Avenue
Newton, Mass. 02459

Dear Mayor Warren:

I am writing to respectfully request that you docket with the Honorable City Council for consideration a request to appropriate and expend \$213,000.00 for renovation of three (3) tennis courts at McGrath Park, which includes reclamation of existing asphalt paving, all new or additional sub-base as required, asphalt coursing, color coating and striping, new net posts and sleeves and new perimeter vinyl coated chain link fence and gates as needed.

Sincerely,

Robert J. DeRubeis
Commissioner

cc: Maureen Lemieux, Chief of Staff/CFO
Dori Zaleznik, M.D., Chief Administrative Officer

COMMISSION
MEMBERS

WARD 1 - BETHEL CHARKOUDIÁN
WARD 2 - ARTHUR MAGNI, CHAIRMAN
WARD 3 - PETER JOHNSON

WARD 4 - PETER KASTNER
WARD 5 - BUZZ DUNKER
WARD 6 - ANDREW STERN

WARD 7 - RICHARD TUCKER, VICE-CHAIR
WARD 8 - VACANT
SECRETARY-ROBIN MCLAUGHLIN

ALTERNATES: MICHAEL CLARKE, SAM FIGLER, JACK NEVILLE, PAT PALMER

CITY OF NEWTON, MASSACHUSETTS
PURCHASING DEPARTMENT
COMPARISON OF BIDS

INVITATION #18-12
McGrath Tennis Courts and Off Leash Area Renovations

Bid Opening: August 17, 2017 - 10:30 am
Parks & Recreation - Carol Schein Melissa Panza

Bidders

McGrath Tennis Courts and Off Leash Area Renovations

Century Paving & Construction Corp	Jewett Landscape	Tasco Construction
\$283,873.75	\$383,383.30	\$463,846.50

Award Recommended To:

Department Head _____ Date _____

Chief Procurement Officer _____ *Date*

Mayor or his designee _____ Date _____

NOTES REGARDING SUBMITTED BIDS

Total corrected by Excel

Bidders	QTY	UNIT	Century Paving & Construction Corp		Jewett Landscape		Tasco Construction #352-17	
			Unit Price	Annual	Unit Price	Annual	Unit Price	Annual
ITEM DESCRIPTION & BID PRICE								
MOBILIZATION (LAYOUT SERVICES, PHOTO RECORD, CONFERENCES, NOTIFICATIONS, ADMINISTRATION)	1	LS	\$2,500.00		\$16,940.00		\$20,000.00	
REMOVE & DISPOSE OF THE EXISTING CHAIN LINK FENCE SYSTEM (INCLUSIVE OF COMPACTING THE RESIDUAL APERTURES)	1	LS	\$2,920.00	\$2,920.00	\$6,377.40	\$6,377.40	\$20,000.00	\$20,000.00
REMOVE & DISPOSE OF AN EXISTING NET POST & NET POST FOUNDATION (INCLUSIVE OF COMPACTING THE RESIDUAL APERTURE)	8	EACH	\$44.65	\$357.20	\$125.00	\$1,000.00	\$1,000.00	\$8,000.00
EXCAVATE & DISPOSE OF UNSUITABLE AND/OR SURPLUS 'SURFACE GENERATED' MATERIAL(S)	1050	CY	\$1.00	\$1,050.00	\$46.00	\$48,300.00	\$50.00	\$52,500.00
GRAVEL FURNISHED FROM OUTSIDE THE SITE	245	CY	\$74.40	\$18,228.00	\$20.00	\$4,900.00	\$75.00	\$18,375.00
DENSE GRADED CRUSHED STONE	132	CY	\$86.60	\$11,431.20	\$45.00	\$5,940.00	\$75.00	\$9,900.00
INITIAL PREPARATORY GRADING & GEOTEXTILE FABRIC (INSTALLED UNDER THE COURT AREA ONLY)	2846	SY	\$7.75	\$22,056.50	\$6.00	\$17,076.00	\$5.00	\$14,230.00
TENNIS NET POST & FOUNDATION	6	EACH	\$1,380.00	\$8,280.00	\$635.00	\$3,810.00	\$2,000.00	\$12,000.00
CINCH STRAP & FOUNDATION	3	EACH	\$115.00	\$345.00	\$200.00	\$600.00	\$1,000.00	\$3,000.00
TENNIS NET	3	EACH	\$230.00	\$690.00	\$325.00	\$975.00	\$1,500.00	\$4,500.00
FURNISH AND INSTALL 10' HIGH P.V.C. COATED CHAIN LINK FENCE SYSTEM (INCLUSIVE OF FRAMEWORK, FOOTINGS, FABRIC AND GATES)	592	LF	\$66.15	\$39,160.80	\$92.00	\$54,464.00	\$100.00	\$59,200.00
3" TYPE I-1 BITUMINOUS CONCRETE FOR TENNIS COURT PAVEMENT (INSTALLED AFTER FENCE & NET POSTS HAVE BEEN SET)	428	TON	\$132.00	\$56,496.00	\$165.00	\$70,620.00	\$150.00	\$64,200.00
SEALCOAT & STRIPING OF TENNIS COURT SYSTEMS	1	LS	\$20,000.00	\$20,000.00	\$20,214.55	\$20,214.55	\$30,000.00	\$30,000.00
DISTRIBUTE, GRADE/REGRADE & SEED ALL LOAM MATERIALS	1633	SY	\$7.20	\$11,757.60	\$12.00	\$19,596.00	\$10.00	\$16,330.00
SUPPLEMENTAL LOAM (IF ORDERED BY THE ENGINEER)	210	CY	\$28.35	\$5,953.50	\$25.00	\$5,250.00	\$45.00	\$9,450.00
REMOVE & RESET PARK BENCH	1	EACH	\$180.00	\$180.00	\$1,500.00	\$1,500.00	\$1,000.00	\$1,000.00
6' GREEN WINDSCREEN	170	LF	\$21.30	\$3,621.00	\$10.55	\$1,793.50	\$20.00	\$3,400.00
TEMPORARY GRAVEL DRIVEWAY	770	SY	\$9.35	\$7,199.50	\$10.00	\$7,700.00	\$10.00	\$7,700.00
ALLOWANCE FOR MISCELLANEOUS WORK (ENGINEERS DISCRETIONARY FUND)	1	ALLOWANCE	\$10,000.00		\$10,000.00		\$10,000.00	
FURNISH & MOUNT SAFETY & SPECIALTY SIGNBOARD (INCLUDING THE POST SYSTEM)	36	SF	\$25.00	\$900.00	\$30.00	\$1,080.00	\$30.00	\$1,080.00
SAFETY CONTROLS FOR CONSTRUCTION OPERATIONS	675	DD	\$0.50	\$337.50	\$2.35	\$1,586.25	\$0.50	\$337.50
ALLOWANCE FOR MATERIALS TESTING	1	ALLOWANCE	\$500.00		\$500.00		\$500.00	\$500.00
ALLOWANCE FOR PAYMENT OF POLICE OFFICERS	1	ALLOWANCE	\$2,000.00		\$2,000.00		\$2,000.00	\$2,000.00
MANUFACTURED 'SILT SACK' FOR CATCHBASIN (SEDIMENTATION CONTROL)	7	EA	\$66.00	\$462.00	\$120.00	\$840.00	\$150.00	\$1,050.00
FURNISH & INSTALL 4' CHAIN LINK FENCE	78	LF	\$32.50	\$2,535.00	\$76.60	\$5,974.80	\$100.00	\$7,800.00
4' CHAIN LINK GATE WITH GATE POSTS	10	LF	\$80.00	\$800.00	\$50.00	\$500.00	\$100.00	\$1,000.00
CHAIN LINK FENCE REMOVE AND RESET	11	LF	\$16.25	\$178.75	\$90.00	\$990.00	\$100.00	\$1,100.00
Bidders	QTY	UNIT	Century Paving & Construction Corp		Jewett Landscape		Tasco Construction	
ITEM DESCRIPTION & BID PRICE			Unit Price	Annual	Unit Price	Annual	Unit Price	Annual

FENCE GATE AND GATE POSTS REMOVED AND RESET	2	EACH	\$230.00	\$460.00	\$250.00	\$500.00	\$400.00	\$800.00
TREE PROTECTION	11	EACH	\$41.80	\$459.80	\$125.00	\$1,375.00	\$150.00	\$1,650.00
NOT USED								
NOT USED								
DRAINAGE STRUCTURE REMODELED	1	EACH	\$1,385.00	\$1,385.00	\$300.00	\$300.00	\$800.00	\$800.00
REMOVE AND DISPOSE OF 4' CHAIN LINK FENCE	90	FT	\$6.10	\$549.00	\$4.25	\$382.50	\$10.00	\$900.00
HOT MIX ASPHALT CURB	150	FT	\$7.65	\$1,147.50	\$4.50	\$675.00	\$10.00	\$1,500.00
DOUBLE CRUSHED STONE DUST SURFACING	120	CY	\$65.00	\$7,800.00	\$103.75	\$12,450.00	\$100.00	\$12,000.00
NOT USED								
LEACHING BASIN	2	EACH	\$3,340.00	\$6,680.00	\$3,500.00	\$7,000.00	\$6,000.00	\$12,000.00
8 INCH SLOT-PERFORATED CORRUGATED PLASTIC PIPE (SUBDRAIN)	145	FT	\$64.00	\$9,280.00	\$77.60	\$11,252.00	\$60.00	\$8,700.00
DRAINAGE STRUCTRE ADJUSTED	1	EACH	\$300.00	\$300.00	\$300.00	\$300.00	\$500.00	\$500.00
TEMPORARY CONSTRUCTION FENCE	1242	FT	\$4.20	\$5,216.40	\$12.65	\$15,711.30	\$6.00	\$7,452.00
HOT MIX ASPHALT/CAPE COD BERM	9	TON	\$268.00	\$2,412.00	\$180.00	\$1,620.00	\$500.00	\$4,500.00
7'-6" TENNIS BENCH	2	EACH	\$720.00	\$1,440.00	\$2,000.00	\$4,000.00	\$3,500.00	\$7,000.00
COMPOST FILTER TUBES	775	LF	\$7.20	\$5,580.00	\$4.40	\$3,410.00	\$7.00	\$5,425.00
FOREST PANSY 'EASTERN REDBUD'	2	EACH	\$695.00	\$1,390.00	\$1,240.00	\$2,480.00	\$700.00	\$1,400.00
TEST PIT FOR EXPLORATION	10	CY	\$76.75	\$767.50	\$420.00	\$4,200.00	\$50.00	\$500.00
WATER FOR ROADWAY DUST CONTROL	67	MGL	\$1.00	\$67.00	\$100.00	\$6,700.00	\$1.00	\$67.00
IRRIGATION SYSTEM	1	LS	\$9,000.00	\$9,000.00	\$10,500.00	\$10,500.00	\$20,000.00	\$20,000.00
TOTAL BASE BID				\$283,873.75		\$383,383.30		\$463,846.50



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#353-17
Telephone
(617) 796-1100
Telefax
(617) 796-1113
TDD
(617) 796-1089
E-mail
swarren@newtonma.gov

October 30, 2017

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

Ladies and Gentlemen:

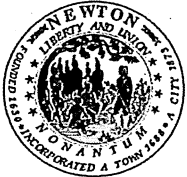
I write to request that your Honorable Council docket for consideration a request to authorize the appropriation of the sum of \$192,000 and authorize a general obligation borrowing of an equal amount to replace the current Parks & Recreation Trash Truck with two F-550 6 cubic yard packers – one for trash and one for recycling.

Thank you for your consideration of this matter.

Sincerely,

Setti D. Warren
Mayor

RECEIVED
Newton City Clerk
2017 OCT 30 PM 2: 14
David A. Olson, CMC
Newton, MA 02459



SETTI D. WARREN
MAYOR

NEWTON PARKS AND RECREATION DEPARTMENT

246 Dudley Rd., Newton, MA 02459
Office: (617) 796-1500 / Fax: (617) 796-1512
TDD/TTY: (617) 796-1089
parks@newtonma.gov



ROBERT J. DERUBEIS
COMMISSIONER

October 23, 2017

Honorable Mayor Setti D. Warren
Newton City Hall
1000 Commonwealth Avenue
Newton, Mass. 02459

Dear Mayor Warren:

I am writing to respectfully request that you docket with the Honorable City Council for consideration a request to appropriate and expend \$192,000.00 to cover the cost of purchasing two trash/recycling trucks. The trucks are 2018 Ford F550 w/6 cubic yard New Way packer body.

The use of new trash/recycling trucks are key equipment components not only for the public space Bigbelly solid waste program but also for various Citywide programs and large City events. They are used daily in collection operations and two separate trucks will aid in more effective and efficient operations.

Sincerely,

Robert J. DeRubeis
Commissioner

cc: Maureen Lemieux, Chief of Staff/CFO
Dori Zaleznik, M.D., Chief Administrative Officer
Elaine Gentile, Director of Community Beautification

COMMISSION
MEMBERS

WARD 1 - BETHEL CHARKOUDIAN
WARD 2 - ARTHUR MAGNI, CHAIRMAN
WARD 3 - PETER JOHNSON

WARD 4 - PETER KASTNER
WARD 5 - BUZZ DUNKER
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WARD 7 - RICHARD TUCKER, VICE-CHAIR
WARD 8 - VACANT
SECRETARY-ROBIN MCLAUGHLIN

ALTERNATES: MICHAEL CLARKE, SAM FIGLER, JACK NEVILLE, PAT PALMER



October 25, 2017

Dear Newton Restaurant Owner,

On Wednesday November 8th at 7:00PM, in Room 211 of Newton City Hall, the Newton City Council Programs and Services Committee will begin a discussion of the following item that may impact your business:

#34-13 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.

As you may know, polystyrene is commonly used in packaging. The foam form (sometimes known by its trade name Styrofoam) is used for plates, insulated beverage cups and bowls, clamshell food containers and trays. The City Council is considering a ban on these products due to their negative environmental impacts.

Newton values the opinions and input of our local business community, and is interested in knowing what impacts the elimination of these products would have on your business (if any). We urge you to attend the meeting on November 8th if you would like to learn more about this proposal.

We would also like to hear your thoughts and invite you to participate in a short online survey about the products you currently use, whether a possible ban would pose any challenges to your business or whether this is something you would support. Please click on the link below to fill out the survey (or type the address into your browser).

<https://www.surveymonkey.com/r/NewtonRestaurants>

You may also email any thoughts or concerns to Committee Clerk Karyn Dean at kdean@newtonma.gov.

Thank you in advance for your cooperation and participation as we gather input.

Sincerely,

Councilor Vicki Danberg
Councilor Susan Albright
Councilor Dick Blazar
Councilor Deb Crossley
Councilor Alison Leary
Councilor Emily Norton
Councilor John Rice

Attachment: Polystyrene foam take-out packaging and price comparable alternatives chart

Human Health Impacts of Polystyrene

By Brita E. Lundberg, M.D.

Most people are aware that polystyrene** or “styrofoam” is a significant environmental problem, massively overflowing our landfills and oceans; but few realize that it has serious health consequences for humans.[1,2] A petrochemical, it is found in styrofoam, natural gas, diesel fuel, coal tar, and cigarettes; the vast majority is manmade, but it does occur in minute quantities in a few foods like peanuts and cinnamon.[3] Mostly it is found in nature as a contaminant of food, water and air: it is not surprising that it is found in the tissues of 100% of Americans.[4]

Polystyrene is made up strings of styrene, a breakdown product of benzene (a known **human carcinogen**); styrene is categorized as “**reasonably anticipated to be a carcinogen**” by the EPA; according to the National Research Council, “The evidence of styrene genotoxicity in exposed humans is convincing, so a strong argument could be made to support the listing of styrene as a **known human carcinogen.**” [2]

- How do we get exposed?

First, we can eat it: warm food in styrofoam containers causes the styrene to leach out into the food; this leaching is greater with fatty or oily foods and is the most common cause of food contamination by styrene. The styrene content in food correlates with the length of storage of the products.[1] Since it is also present in cigarette smoke, automobile and industrial exhaust, humans are also exposed through air pollution and water contamination.

- What health problems does it cause?

Cancer Occupational workers exposed to polystyrene suffer from increased cancers of the blood, including leukemia and non-Hodgkin’s lymphoma [2,6] as well as solid tumors, including breast, lung, esophageal, kidney and pancreatic cancer. Risk correlates with degree and length of exposure. [2,5,9]

Neurologic disorders: Polystyrene is a **neurotoxin**, and can cause hearing loss, instability, slowed reaction time, weakness, headache, fatigue, impaired logical memory and impaired verbal learning skills. [7] Experiments in rabbits show that the possible mechanism for this may be that it decreases dopamine levels.[1]

Reproductive and developmental toxicity Styrene is associated with spontaneous abortions in occupational workers; in mice, it has been shown to be embryotoxic—even more so than benzene, toluene or xylene.[1,8]

Summary: Polystyrene is a ubiquitous environmental contaminant with serious public health impacts. It is a known carcinogen, neurotoxin and fetotoxin; by banning our most common exposure to the petrochemical—styrofoam—it is hoped that we can reduce our exposure and improve public health.

** It is better known as styrofoam, but also comes in the form of a clear plastic. It is used to package foodstuffs or as packing material.

Twenty-five communities across Massachusetts have banned the use of polystyrene.

References

- [1] WHO Regional Office for Europe, Chapter 5.12 Styrene; Copenhagen, Denmark, 2000.
- [2] National Research Council report, *Review of the Styrene Assessment in the National Toxicology Program 12th Report on Carcinogens* (2014).
- [3] IARC. 2006. Agents Reviewed by the IARC Monographs. Volumes 1–96. Lyon, France: International Agency for Research on Cancer. <http://monographs.iarc.fr/ENG/Classification/index.php>.
- [4] [National Human Adipose Tissue Survey - epa nepis nepis.epa.gov/Exe/ZyPURL.cgi?Dockey=9100CFRU.TXT](http://nepis.epa.gov/Exe/ZyPURL.cgi?Dockey=9100CFRU.TXT)
- [5] [Styrene exposure and risk of cancer - NCBI - NIH https://www.ncbi.nlm.nih.gov](https://www.ncbi.nlm.nih.gov) > NCBI > Literature > PubMed Central (PMC)
- by J Huff - 2011 “a causal relationship between styrene exposure and cancer in humans is credible and is supported by the finding of DNA adducts and chromosomal aberrations in lymphocytes from styrene-exposed workers.”
- [6] Kolstad H A, Lyng E, Olsen J, Breum N (1994). Incidence of lymphohematopoietic malignancies among styrene-exposed workers of the reinforced plastics industry. *Scandinavian Journal of Work, Environment & Health*, 20, 272-278.
- [7] LILIS, R. ET AL. Neurotoxicity of styrene in production and polymerization workers. *Environmental research*, 15: 133–138 (1978).
- [8] Barall R (1991). The Genetic Toxicology of Styrene and Styrene Oxide. *Mutation Research*, Vol. 257, No. 2, pages 107-12
- Bond (1992). Mortality among workers engaged in the development or manufacture of styrene-based products--an update. *Scandinavian Journal of Work, Environment & Health*, 18(3), 145-54.
- [9] Huff et al. Styrene exposure and risk of cancer. *Mutagenesis*. 2011 Sep; 26(5): 583–584. Published online 2011 Jul 1. doi: [10.1093/mutage/ger033](https://doi.org/10.1093/mutage/ger033)

Newton Restaurant Survey

In a survey of 17 randomly selected Newton food establishments:

8 do not use any polystyrene products

9 use polystyrene combined with other types of disposable containers. Of these:

4 use only 1 polystyrene product - hinged clamshell

3 use only 1 polystyrene product - hot cups

2 use multiple polystyrene products in addition to alternative packaging materials

All 17 restaurants were familiar with and made use of alternative packaging materials - foil, paper, plastic.

Conclusion: Almost 50% of eating establishments currently do not use any polystyrene, and almost 90% use none or just 1 polystyrene item. Because all the establishments use alternative types of packaging in lieu of or in addition to polystyrene, they are already familiar with alternative options available. Cost is a factor for some establishments.

Comments received:

"[Do not use polystyrene out of] environmental concerns."

"Can't use anything else [but foam clamshells] for hot meals because anything else is not STURDY enough-won't hold up."

"Have never used styrofoam due to environmental concerns."

He'll "STOP using styrofoam when Dunkin Donuts stops using it."

"Don't use paper most time for foods because the containers are 'flimsy' so uses plastic most times unless they run out and then use paper."

"From environmental concerns, we have never used styrofoam due to how long it takes to break down."

"[Polystyrene] is less expensive, less risk of leaking."

"Better for environment."

"Aluminum is great. No more expense than [polystyrene]."

"Cardboard, if anything, is easier. No noticeable cost difference."

"There are some complaints that cardboard cups are too hot to handle. The store keeps sleeves under the counter, and only give out if asked for. Management is concerned that people will take handfuls of sleeves. So instead the store charges \$.25 for an extra cup to slide over the first cup, Profit margin is the driving concern."

"Would never use styrofoam, terrible for environment."

"Too expensive to use another kind of container...if we use more expensive containers [the cost] will cut into the profits, as the food is not that expensive."

(October 2017)

Newton Restaurants Surveyed:

4 Corners Pizza
Aji Japanese Restaurant
Barry's Deli
Blue Ribbon Barbeque
Comella's
Coney Island Ice Cream
Dunkin Donuts
Forty Carrots (Bloomingdale's)
Jake's
Johnny's Luncheonette
Judith's Kitchen
Mango Thai Cuisine
Newton Wellesley Hospital Cafeteria
Paddy's Pub
Ravioli's
The Local
Zheng Garden

CITY OF NEWTON

IN BOARD OF ALDERMEN

ORDINANCE NO. ____

____, 2017

BE IT ORDAINED BY THE BOARD OF ALDERMEN
OF THE CITY OF NEWTON AS FOLLOWS:

That the Revised Ordinances of Newton Massachusetts, 2012, as amended, be and hereby
are further amended as follows:

Add a new section 12-72 to **ARTICLE IX.** of Chapter 12 as follows:

Section 12-72 Polystyrene Prohibition.

(a) **Short Title.** This Section may be cited as the "Polystyrene Prohibition
Ordinance" of the City of Newton.

(b) **Declaration of findings and policy—Scope.**

The Board of Aldermen hereby finds that the prohibition on the use of
polystyrene disposable food containers by food service establishments and the
prohibition on the of sale of polystyrene coolers or other polystyrene containers
by all food and retail establishments in the City of Newton (the "City") is a public
purpose that protects the public health, welfare and environment, advances solid
waste reduction and protects waterways.

(c) **Definitions.**

(1) The following words shall, unless the context clearly requires otherwise,
have the following meanings:

(a) "Department" means the City's Department of Health and Human
Services.

(b) "Commissioner" means the City's Commissioner of Health and
Human Services.

(c) "Disposable Food Container" means single-use disposable
products used in the restaurant, food service, and food sales industries for
serving, transporting, or packaging prepared, ready-to-consume, or
uncooked food or beverages. This includes but is not limited to plates,
cups, bowls, trays, and hinged or lidded containers. This does not include

single use disposable items such as straws, cup lids, or utensils.

(d) "Food establishment" means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, including but not limited to any establishment requiring a permit to operate in accordance with the State Food Code.

(e) "Expanded polystyrene" (EPS) means polystyrene that has been expanded or "blown" using a gaseous blowing agent into a solid foam.

(f) "Polystyrene" means expanded polystyrene which is a thermoplastic petrochemical material utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene. The term "polystyrene" also includes clear or solid polystyrene, which is known as "oriented polystyrene."

(g). "Prepared food" means any food or beverage, whether packaged or prepared for consumption on the food provider's premises, using any cooking or food preparation technique or provided for further food preparation. ~~This does not include any raw or uncooked meat, fish, or eggs unless provided for consumption without further food preparation.~~

(d) **Prohibitions**

- (1) Food establishments are prohibited from dispensing prepared food or beverages to any person in disposable food containers made from polystyrene or expanded polystyrene.
- ~~(1)(2)~~ All food establishments and all other retail establishments are prohibited from the sale of coolers or other containers made from polystyrene or expanded polystyrene.

(e) **Effective Date.**

This Section shall take effect one hundred and eighty (180) days from the date of enactment.

(f) **Exemption.**

- (1) The Commissioner may exempt a food establishment or retail establishment from the requirements of this Section for a period of up to six (6) months, upon a finding by the Commissioner that the requirements of this Section

would cause undue hardship to the food or retail establishment. An "undue hardship" shall mean a situation unique to the ~~food~~-establishment where the ~~food~~-establishment requires additional time in order to draw down an existing inventory of polystyrene or expanded polystyrene disposable food containers, coolers or other containers and compliance with this section would cause significant hardship. Any ~~food~~-establishment receiving an exemption shall file with the Commissioner monthly reports on inventory reduction and remaining stocks.

(2) Any food or retail establishment shall apply for an exemption to the Commissioner using forms provided by the Department, and shall allow the Commissioner or his or her designee, access to all information supporting its application.

(3) The Commissioner may approve the exemption request, in whole or in part, with or without conditions.

(4) The Commissioner, by regulation, may establish a fee for exemption requests.

(g) **Enforcement.**

(1) **Fine.** Any food or retail establishment which violates any provision of this Section or any regulation established by the Commissioner shall be liable for a fine as follows: First offense, warning; second offense, \$100.00; third offense, \$200.00; fourth and subsequent offenses, \$300.00. Each day a violation occurs shall constitute a separate offense.

(2) Whoever violates any provision of this Section or any regulation established by the Commissioner may be penalized by a noncriminal disposition as provided in G.L. c. 40, §21D. For purposes of this section, the Commissioner of the Health and Human Services, or his or her designee, shall be enforcing persons.

(h) **Severability.**

Each separate provision of this Section shall be deemed independent of all other provisions herein, and if any provision of this Section be declared to be invalid by a court of competent jurisdiction, the remaining provisions of this Section shall remain valid and enforceable.

-And-

In Sec. 20-21. Enforcing persons and revised ordinances subject to civil fine.

Amend paragraph (b), HEALTH AND HUMAN SERVICES DEPARTMENT, by adding after CITY ORDINANCES, Any offense, the following:

.....PENALTY

Section 12-72. Polystyrene Prohibition Ordinance

- () First offense.....Warning
- () Second offense.....\$100.00
- () Third offense.....\$200.00
- () Fourth or subsequent offenses.....\$300.00

Approved as to legal form and character:

(SGD)
City Solicitor

Under suspension of Rules
Readings Waived and Adopted
___ yeas and ___ nays

(SGD)
City Clerk

(SGD)
Mayor



Setti D. Warren
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

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Barney Heath
Director

MEMORANDUM

DATE: November 3, 2017

TO: Councilor John Rice, Chairman
Members of the Programs and Services Committee

FROM: Barney Heath, Director, Department of Planning and Development
James Freas, Deputy Director

RE: #276-17 – THE ECONOMIC DEVELOPMENT COMMISSION, COUNCILORS FULLER, HESS-MAHAN, KALIS, LENNON, LIPOF, NORTON, AND SANGIOLLO requesting amendments to Sections 17-46 through 17-50 in order to allow Food Trucks to locate and operate on public streets in Newton subject to licensing by the Health Department and to location permitting requirements, initially restricted to Wells Avenue; and introducing new rules applicable to all Food Trucks operating in the City; and requesting amendments to Chapter 30 to allow Food Trucks in the Public Use District subject to the same restrictions and requirements.

MEETING DATE: November 8, 2017

CC: City Council
Planning and Development Board
Economic Development Commission
Donnalyn Kahn, City Solicitor
Deborah Youngblood, Commissioner of Health & Human Services
Kathryn Ellis, Economic Development Director

#

Over the last several years the Food Truck movement has grown in Boston and its suburbs and is increasingly viewed as an exciting new food amenity option. For Newton, allowing food trucks on Wells Avenue could be a relatively simple way to bring a degree of street vitality to the office park while also introducing a greater diversity of much needed food amenities, all of which serves to make the park more interesting for an innovation industry workforce and therefore more attractive as a location for the kinds of tech companies the City is seeking to attract in the N² Innovation District. The

proposed ordinance provides a regulatory structure for allowing food trucks at Wells Avenue only with the Planning Department responsible for administering a location permit program.

Current Ordinance

Newton currently regulates food trucks under the regulations governing “hawkers and peddlers” in Chapter 17 of the City Ordinances. Most significantly, a food truck under these rules must move every five minutes a minimum of 250 feet unless actively serving customers. Further, these trucks are prohibited from business districts or operating within 1000 feet of schools, the Crystal Lake bathhouse, and the McGrath Pool. Rules similar to these are common in the area and effectively prohibit modern food trucks from operating in Newton. Ice cream trucks and canteen trucks currently operate in Newton under these rules.

Beyond the rules above, Food Trucks operate in the City under a variety of different rules, which the proposed ordinance will largely leave intact. For example, many special event vendors happen to use food trucks, licensed by the Health Department. Similarly, businesses or residents can hire a food truck operator as a caterer for their private event. All existing licensing by the Health Department, as it applies to food trucks, will remain the same.

Proposed Ordinance

The proposed Food Truck Ordinance creates a food truck location permitting program – restricted to Wells Avenue, establishes new rules for food trucks, and for the first time identifies food trucks as a use in the Zoning Ordinance. The following provides greater detail on the proposed ordinance by section and a draft of the proposed ordinance is attached.

Sec 17-46 – Defines food trucks. This definition is based on that used in several communities in the region. In using the term “food establishment”, the definition connects directly to the health code.

Sec. 17-47 – This section confirms that a license from Newton’s Health Department is required in order to operate a food truck in Newton under this program.

Sec 17-48 – This section limits food trucks to Wells Avenue and gives the Planning Department responsibility to determine the specific locations on Wells Ave where the trucks may locate as well as their operating time periods.

Sec 17-49 – This section establishes a one year food truck location permit program in the Planning Department. The Department would be responsible for approving the food trucks that apply to operate in the locations approved by the Planning Board according to Section 17-48. The application requirements are listed.

Sec 17-50 – This section provides a list of rules for all food trucks meant to address potential nuisance concerns and ensure safe and environmentally sound operation. To those ends, food truck operators are required to manage litter, control noise, limit encroachment into the sidewalk, and use environmentally friendly products and operations where possible.

Chapter 30 – Zoning Ordinance – The purpose of the zoning amendments is to establish food trucks as an allowed accessory use in the Public Use District. Newton’s streets are zoned Public Use. In defining this use and allowing it under these requirements in the Public Use District, the City is clarifying by extension that food trucks are not allowed on private property in other districts outside of special events or catering type situations. All of the requirements outlined above still apply and food trucks would still only be allowed on Wells Avenue.

When is a Food Truck a Food Truck?

In regulating food trucks under the proposed ordinances, particularly the Zoning Ordinance, it is important to distinguish between when a food truck is acting as a food truck as opposed to when one is serving as a caterer or food vendor at a special event. This ordinance is meant to address food trucks acting as food trucks; a food truck parked on the street and serving prepared food to individuals. This idea of a food truck is what one sees in Boston and other communities and is generally the common conception. However, a person operating a food truck business can also cater a private function or event or can serve as a food vendor at a special event such as Newton experiences during the 4th of July event or the Boston Marathon. The proposed ordinance takes care to not include these alternative event-based uses of a food truck within the proposed regulations and restrictions as these uses of a food truck are currently allowed and there is no intention to change that situation.

In order to prevent the potential abuse of the event-based allowance for food trucks, it is important to clarify what distinguishes between a food truck serving an event verse a food truck that effectively is operating as a “use” under the Zoning Ordinance. Planning and Law Department staff identified a test that distinguishes between these two scenarios. A food truck constitutes a use under the Zoning Ordinance if:

1. A food truck is at the location in some form of frequent regular schedule; and
2. The food truck is serving the general public with individual points of sale.

Food Truck Research

Interest in food trucks as a means to bring variety into food amenity choices has risen dramatically across the United States over the last decade. Beginning with a few pioneering cities, the idea has expanded to cities of all sizes and, increasingly, into the suburbs. Close to Newton, Boston, Cambridge, Somerville, Brookline, and Needham have all passed ordinances to encourage food trucks in some manner in their respective municipalities. Overall, the findings seem to point to a range of benefits in promoting food trucks in a community.

Food trucks are literally trucks with on-board food preparation. What distinguishes the modern concept of food trucks from those of the past is a focus on often innovative or unique food offerings with a specialized and limited menu. This sense of variety and innovation is what has made the food truck movement so popular, particularly amongst young professionals. The mobility coupled with this specialization and variety offered by food trucks has led to some interesting research findings including from a 2015 study by the Federal Reserve, “that food trucks did not simply cannibalize the market for brick-and-mortar restaurants, but actually expanded the market for food-away-from-home by increasing the net variety of available food options.”

An interesting trend in the food truck industry that has become apparent as the movement has matured is that of highly successful food trucks transitioning into brick and mortar restaurants. Effectively, the food truck approach becomes a form of business incubator for innovative restaurant ideas as well as a way for a potential restaurant operator to relatively simply test locations. Locally, the food truck Bon Me has opened several brick and mortar locations, including one in Chestnut Hill and the food truck Clover has similarly opened multiple locations but further, has now discontinued its food truck business in order to focus on its restaurant locations.

Generally, many communities have opted to allow food trucks in so-called “underserved” locations where there are limited restaurant or food amenities available and for the foreseeable future, that appears to be the recommended course. As an example, Boston permits food trucks only in specified locations and Needham has only allowed food trucks in the Needham Crossing business park. Some communities have created highly successful food truck courts.

Meals Tax

The issue of whether food trucks collect the meals tax and where the local portion of that tax goes is an important one that staff is has been working with the Department of Revenue to resolve. Food trucks do collect meals tax. Under DOR rules, they are treated as a “transient vendor”. There are two types of transient vendor under these rules – those with a fixed location such as a food vendor at fair or special event, and those that drive around like an ice cream truck or a canteen. Fixed location meals taxes go to the host community while the drive around meals taxes collected go to the community where the business is located. DOR has to-date treated food trucks as a drive-around vendor. City staff have had discussions to update these rules, reflecting that, under Newton’s, and most other food truck ordinances, the food trucks operate from fixed locations, and therefore, the local portion of the meals tax should come to the City.

Next Steps

The food trucks ordinance will be taken up in a Public Hearing by ZAP on November 13th.

DRAFT

Food Truck Ordinance

Chapter 17 – Licensing and Permits Generally

Article III. Hawkers, Peddlers, Food Trucks and Canvassers

Division 3. Food Trucks

Sec. 17-46. Food Trucks Defined

A readily movable trailer or motorized wheeled vehicle, currently registered with the Massachusetts Division of Motor Vehicles, designed and equipped to cook, prepare, and/or serve food for human consumption as a mobile food establishment.

Sec. 17-47. License Required

No food truck may operate without a license issued by the Commissioner of Health and Human Services and are subject to the provisions of Chapter 30, Zoning.

Sec. 17-48. Food Truck Locations

On-street food truck locations shall only be permitted on Wells Avenue. The Department of Planning and Development shall determine the specific location(s) and time periods during which permitted Food Trucks will be allowed to operate on Wells Avenue, taking into account public safety for vehicles and pedestrians. This restriction, and the following permit requirement, does not apply to Food Trucks catering a special event or similar occurrence.

Sec. 17-49. Location Permit to Operate on Public Property

In addition to the license required in Sec. 17-47, a food truck operator wishing to operate on-street must obtain a location permit from the Department of Planning and Development and shall submit a permit application on a form provided by said Department, which at a minimum shall include:

1. A description of the business;
2. The location and time period, as determined by sec 17-48, for which a location permit is sought and during which, the vendor will be stationary and serving food;
3. Description of the Food Truck's presence on the street including any signs or objects that will be proposed to be placed on the sidewalk.
4. Proof that the vehicle has passed all necessary inspections required by the Newton Fire Department
5. Proof of a general liability policy in effect during all days and times for which a location permit is sought that names the City as an additional insured and is in a form and for an amount approved by the City;

Such a location permit exempts the permitted food truck from other City requirements for Hawkers and Peddlers in sections 17-27 through 17-29. The location permit shall have a duration of up to one year

DRAFT

and is revocable based on non-compliance with the requirements of this ordinance. Should the number of location permit applicants exceed available locations, the Director of Planning and Development shall create an equitable distribution of available locations among qualified applicants. The Director has the authority to not issue a location permit based on legitimate public objectives to diversify food truck offerings in an area or due to issues related to past operations of the Food Truck vendor. No permitted Food Truck shall cease operations during the period covered by the location permit without notifying the Department of Planning and Development.

Sec. 17-50. Food Truck Rules

The following requirements shall apply to all food trucks operating in the City.

1. All food truck operators must comply with all applicable federal, state, and local laws, regulations, and by-laws, any conditions on a City license or permit, and any applicable City policies, procedures, standards and guidelines. All licenses are issued subject to the licensee's compliance with this Section and these regulations. Licensees shall supply such information as the City or its agent may require for purposes of the proper enforcement of these regulations. The City or its agent, including the Police and other inspectional departments, may at any time inspect the premises to which the license applies to determine whether the licensee is in compliance with this Section.
2. No food truck shall provide or allow any dining area, including but not limited to tables, chairs, booths, bar stools, benches, and standup counters.
3. All food truck operators shall offer a waste container(s) for public use that operators shall empty at their own expense. The food truck operator shall inspect all adjacent streets and sidewalks within 100 feet regularly for purposes of removing any litter found.
4. Food trucks are encouraged to provide consumers with compostable or recyclable single service articles, such as compostable forks and paper plates, and a waste, recycling container, and composting container for their disposal. No Styrofoam products or plastic bags are permitted.
5. No food truck shall make or cause to be made any unreasonable or excessive noise in violation of section 20-13 et seq.
6. Grease and grey water must be contained and disposed of in accordance with State Sanitary Code.
7. Food trucks shall be limited to no more than 25 feet in length.
8. For food trucks on public property, the City reserves the right to require a food truck operator to temporarily move a food truck to a nearby location if the approved location needs to be used for emergency purposes, snow removal, construction, or other public benefit.
9. Food trucks must conspicuously display their license and any required permit on the windshield of the truck.
10. No mobile food vendor licensee may transfer a mobile food vendor license except upon application to and approval by the Health and Human Services Commissioner of the transfer.

DRAFT

Chapter 30: Zoning Ordinance

Sec. 2.3.2 Accessory Uses Allowed

B. Public Use District

1. Food Trucks on Wells Avenue only subject to Sec. 6.7.6.

Sec. 6.7 Accessory Uses

6.7.6 Food Trucks

A. Intent. Food Trucks are intended to advance the following:

1. Bring variety to the availability of local food establishments;
2. Add vibrancy and interest to the street life of a district;
3. Encourage the advancement of new restaurants and food service businesses by serving as a form of business incubator for new restaurant ideas in a start-up phase; and
4. Create food options and amenities for underserved locations in the City.

B. Food Trucks Defined. Defined in City Ordinances Sec 17-46.

C. Rules for Food Trucks.

1. In the Public Use District, Food Trucks shall only locate on the public street 'Wells Avenue' according to City Ordinances Sec 17-48 and 17-49. Food Trucks are allowed on public land as part of a special event with a license from the Health Department.
2. A food truck shall not remain parked overnight.
3. A Food Truck is not required to provide parking.
4. A Food Truck must meet all of the requirements of City Ordinances sections 17-47 through 17-50.
5. A Food Truck operating as part of a special event or in a catering capacity for a private function is allowed in all districts.



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#322-17

Telephone
(617) 796-1100

Facsimile
(617) 796-1113

TDD/TTY
(617) 796-1089

E-mail
swarren@newtonma.gov

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

Ladies and Gentlemen:

I am pleased to appoint Peter Doherty of 66 Harvard Street, Newtonville as a member of the Newton Commonwealth Foundation. His term of office shall expire on December 31, 2020 and his appointment is subject to your confirmation.

Thank you for your attention to this matter.

Very truly yours,

Setti D. Warren

Mayor

RECEIVED
Newton City Clerk
2017 OCT -6 AM 8:47
David A. Olson, CMC
Newton, MA 02459

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

Robin McLaughlin
Newton Parks & Recreation Dept.

August 9, 2017

Re: Newton Commonwealth Golf Course Commission

Dear Robin,

I am very interested in being considered for the Golf Course Commission position.

I am a candidate with a lifetime background in the game of golf and want to participate in the future of Newton Commonwealth.

I grew up in Newton, and caddied and worked at Brae Burn Country Club through high school and college. I worked for Jack Neville at Brae Burn.

I have been a season ticket holder at Newton Commonwealth since 1982. I served as an Inner Club officer there for many years. I have a great understanding of how this golf course works and want it to be successful.

In addition, I am active today with the Francis Ouimet Scholarship Fund. The Ouimet Fund provides scholarship aid to caddies and golf course workers. I volunteer to interview high school senior applicants for these scholarships. There have been several scholarship winners from Newton Commonwealth in the past. \$1,850,000.00 was awarded in 2016-17.

Thank you for considering my application to be on the Newton Commonwealth Golf Course Commission. I look forward to hearing from you soon on how to proceed.

Sincerely,

Peter Doherty
66 Harvard Street
Newtonville, MA 02460

PETER M. DOHERTY
66 HARVARD STREET
NEWTONVILLE, MA 02460

Experience:

WGB Group Inc.
Main office
Natick, MA
1984 – present

We are manufacturer's representatives for consumer products companies including Colgate-Palmolive products, Char-Broil outdoor cooking products, and other manufacturers. We offer sales and marketing expertise to our clients.

Our customer base includes national and regional retailers and wholesalers. These national accounts include The Home Depot, Lowe's, Bed, Bath & Beyond. Among our regional accounts are BJ's Wholesale Club, and Stop & Shop Supermarkets.

We have regional offices located in Atlanta, GA, Charlotte, NC, and Madison, WI.

Education:

Boston College
Chestnut Hill, MA
Carroll School of Management
Class of 1974

Boston College High School
Dorchester, MA
Class of 1970



SETTI D. WARREN
MAYOR

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Office of the Mayor

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(617) 796-1089

E-mail
swarren@newtonma.gov

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

Ladies and Gentlemen:

I am pleased to reappoint Marietta Marchitelli of 100 Waverly Avenue, Newton as a Trustee of the Jackson Homestead. Her term of office shall expire on November 1, 2020 and her appointment is subject to your confirmation.

Thank you for your attention to this matter.

Very truly yours,

Setti D. Warren
Mayor

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Newton City Clerk
2017 SEP 27 PM 3:33
David A. Olson, CMC
Newton, MA 02459

1000 Commonwealth Avenue Newton, Massachusetts 02459

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DEDICATED TO COMMUNITY EXCELLENCE

Marietta Marchitelli

Trustee of The Jackson Homestead, Newton Massachusetts

The Jackson Homestead was accredited by American Association of Museums in 1992.

The next year Marietta Marchitelli joined the Board of Directors of the Newton Historical Society. The following year she was elected Vice-President for membership and later for collections and served until 2008 when she became a Trustee of the Jackson Homestead. Through the years she has served on a number of committees, e.g., executive, membership, hospitality, having served the longest on Collections and Historic Burying Ground Committees.

Marietta Marchitelli is a graduate of Emmanuel College, Boston with a degree in the sciences and graduate work in the computer sciences at Boston University.

Marietta Marchitelli joined the staff of the gyro testing department of the MIT Instrumentation Laboratory which was founded by Newton-resident Dr. Charles Stark Draper, head of the aeronautics department. During her employment she worked on aerospace programs associated with the laboratory, writing scientific computer programs for the data analysis of instruments designed for inertial guidance systems. When the Instrumentation Lab divested from MIT in 1972, she continued with C. S. Draper Laboratory until her retirement.

She is a member of a number of organizations associated with museums and historic preservation, such as National

Trust for Historic Preservation. In June of 1990 she donated a gift of circa 1935-1948 children's toys and games to the Newton Historical Society. She has had an active and specific interest in the restoration of the historic Durant-Kenrick House on Waverley Avenue, Newton.

She has been a resident of Newton for more than sixty years.



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E-mail
swarren@newtonma.gov

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

Ladies and Gentlemen:

85 Langley Rd. Newton Ctr.

I am pleased to reappoint Russel Feldman of Russel Feldman, Newton as a Trustee of the Jackson Homestead. His term of office shall expire on November 1, 2020 and his appointment is subject to your confirmation.

Thank you for your attention to this matter.

Very truly yours,

Setti D. Warren

Mayor

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Newton City Clerk
2017 SEP 27 PM 3:33
David A. Olson, CMC
Newton, MA 02459

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

**Mark Russel Feldman, AIA, NCARB**

Registration: Registered Architect: Commonwealth of Massachusetts, States of New York, Rhode Island and Florida; Certified by the National Council of Architectural Registration Boards
Certified by the Massachusetts Certified Public Purchasing Official Program

Education: Kennedy School of Government, Harvard University
Masters Degree in Public Policy
Syracuse University, Syracuse, New York
Bachelor of Architecture Degree, *cum laude*
Bachelor of Arts Degree in Architectural History, *magna cum laude*

Professional Experience:

TBA Architects, Inc., Concord, Massachusetts

1986 - Principal with responsibilities in project management, planning and historic preservation; firm operating standards and professional practice.

Selected Project Experience

- . Plymouth County Land Records Facility, Plymouth MA
 - . Master Plan, Mt Auburn Cemetery, Watertown MA
 - . Swenson Field Facilities, Bridgewater State University, Bridgewater MA
 - . Edward J Sullivan Courthouse Master Plan, State Division of Capital Asset Management
 - . Plymouth County Sheriff's Department Headquarters, Plymouth MA
 - . Peter Y Flynn Correctional Facility, Plymouth MA
 - . Ground Zone Shop & Tractor Repair Facilities, U Mass, Amherst and South Deerfield MA
 - . Lexington High School Modular Expansion, Lexington MA
- Consulting to the Profession: procurement, contracts and professional practice.

Awards:

Selfless Labor Award, Boston Architectural College
Award for Excellence in Teaching, Boston Society of Architects College of Fellows
City of Newton Historic Preservation Award (three years)
City of Newton Mayor's Beautification Awards (two years)
Honorary Member; Honorary Alumnus, Boston Architectural College, Boston MA
Massachusetts Historic Commission Preservation Award
Governor's Commendation for Economic Development - Bostonian Industrial Complex, Whitman, MA
Golden Shovel Award, First Place, Professional Category (three years)
Sandcastle Competition Cranes Beach, Ipswich, Massachusetts

Presentations:

Mass Municipal Association, Mass Mayors Association, Build Boston, World Organization of Building Officials, Construction Specification Institute, U Mass - Amherst, American Institute of Architects, etc.

Public Service:

American Institute of Architects
Member, Board of Directors; 2006 President, Massachusetts Chapter
Boston Society of Architects, Boston, Massachusetts
Designee to the Mass Construction Industry Council; Delegate to AIA State Government Network
Member and past Chair, Government Affairs Committee
Boston Architectural College, Boston, Massachusetts
Overseer Emeritus; co-chair Education Committee 2015-present
member, Board of Trustees 2003-2013; Chair 2008-2013
past Overseer; Chair of Thesis, Student Affairs and Academic Appeals Committees
instructor 1979 - present
Commonwealth of Massachusetts, Boston, Massachusetts
past Member, Special Commission on Construction Reform
Policy author, District Improvement Financing, MGL c149A Construction Management at Risk
past Governor's Appointee and Chair, State Designer Selection Board.
City Museum of Newton, Newton, Massachusetts
Trustee and member of the Executive Board; past President



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

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(617) 796-1089
E-mail
swarren@newtonma.gov

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

Ladies and Gentlemen:

I am pleased to reappoint Thekla Diehl of 102 Parker Avenue, Newton as a member of the Biosafety Committee. Her term of office shall expire on December 31, 2020 and her appointment is subject to your confirmation.

Thank you for your attention to this matter.

Very truly yours,

Setti D. Warren

Mayor

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Newton City Clerk
2017 OCT 13 PM 3:23
David A. Olson, CMC
Newton, MA 02459

1000 Commonwealth Avenue Newton, Massachusetts 02459

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DEDICATED TO COMMUNITY EXCELLENCE

Thekla S. Diehl

102 Parker Avenue
Newton, MA 02461

Objective:

To utilize strong teamwork, leadership and management skills and a proficiency in problem solving for financial and administrative initiatives

Areas of Strength:

Administrative and Management:

Experience with pre and post-award grant administration

Implementing and overseeing of policies; ensuring compliance with hospital and regulatory requirements for the sponsors

Manage and solve problems for accounts for Federal and non-Federal awards and suggest solutions for systems

Fiscal Management:

Oversight of financial reports by reviewing revenue and expenses

Creation financial performance reports and presenting data to department managers

Suggesting solutions for fiscal responsibility

Leadership:

Providing leadership and mentorship to my colleagues

Encouraging teamwork

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Newton City Clerk
2014 MAR 10 PM 3:48
David J. Oison, CMC
Newton, MA 02459

Education:

SIMMONS COLLEGE SCHOOL OF MANAGEMENT, Boston, MA

2003

Master of Business Administration (Concurrent with working)

UNIVERSITY OF CAPE TOWN MEDICAL SCHOOL, Cape Town, South Africa

Master of Science, Medical - Awarded Scholarship from the Medical Research Council

Honors in Medical Biochemistry

UNIVERSITY OF CAPE TOWN, Cape Town, South Africa

Bachelor of Science

Positions:

PARTNERS HEALTH CARE

2008-present

Senior Grant Administrator

Grant Administrator II

Manage pre-and post award grant administration for the Department of Surgery (4 months)

Manage over 400 funds with millions of dollars for the Department of Surgery by providing guidance to sponsor regulations, solving problems and keeping track of financials.

Review and approve high volume, deadline driven incoming Federal & non-Federal awards including grants, contracts, subcontracts, cooperative agreements and clinical trials to ensure timely account set-up

Conduct financial monitoring for all active accounts by managing and tracking of expenses and revenue flow

Review cost transfers for salary and effort changes

Verify financial, human subject, and animal subject compliance

Maintain good customer service with principle investigator and department managers to ensure smooth workflow
Mentor co-workers on procedures and processes

BRIGHAM & WOMEN'S HOSPITAL, Harvard Medical School Teaching Affiliate, Boston, MA
1993-2008

Laboratory Manager, Center for Neurological Disease 2005-2008

Managed a 14 person laboratory for the principal investigator by ensuring environmental health compliance and hospital regulations, training and mentoring staff for a smooth laboratory operation and enabling performance of experiments, which were published in prestigious peer reviewed journal.

Managed research operations by organizing tools and resources for the laboratory to achieve maximum effectiveness for the projects
Assisted with hiring, training, developing and supervision of staff of technicians and post-doctoral students in methods and procedures to achieve maximum results
Delegated task and responsibilities for the operations of laboratory to achieve efficiency

Research Specialist 2003-2005

Technical (biochemical and molecular biology) project leader for key scientists for inclusion in major research initiatives towards discovery of causes of Alzheimer's disease.

Develop high-throughput screening, protein purification and other methods
Project manager coordinated and completed new imaging facility
Wrote protocols and procedures to enable effective utilizations of methods

Senior Research Associate 1995 - 2003

Provided technical expertise in protein biochemistry and molecular biology to professors and students to guide in the implementation and completion of research projects
Presented findings at the Neuroscience Society National Conventions; as well as departmental meetings
Created systems, streamlined and managed all laboratory operations

Business Experience:

GSAS HARVARD BIOTECHNOLOGY CLUB

Director/Member

2003-07

Leader of Business Plan Competition 2004-2005

Collaborated with Harvard Business School Professors to create workshops for writing a business plans and understanding start-ups
Planned and organized panel discussions of venture capitalist, tech transfer and legal specialist as well as investment bankers

Consultant for Business plan competition 2006

Facilitated club activities for the business plan competition for small groups of future business leaders

Professional Affiliates:

NCURA volunteer at meetings 2008-12

Massachusetts Biotechnology Council - Active Member in Project Management, Business Development Committees

Planning Committee Drug Discovery Day Event 2006

WEST (Women Entrepreneurs in Science and Technology)—Marketing Chair 2003-04

Publications:

Published twenty times in highly regarded peer reviewed journals. Journals include: Nature, Neuron, Nature Medicine, P.N.A.S and Nature Cell Biology.

Presented at Society of Neuroscience meeting and supported multiple presentations by other researchers.

Listings of publications are available separately.

2003-2005 publications are pending due to patent applications