



## Programs & Services Committee Report

### City of Newton In City Council

**Wednesday, November 8, 2017**

Present: Councilors Rice, Leary, Auchincloss, Baker, Kalis, Sangiolo and Schwartz

Absent: Councilor Hess-Mahan

Also Present: Councilors Albright, Danberg, Harney, Lappin, Laredo, Lipof, Norton and Yates

City Staff Present: James Freas (Deputy Director, Planning Dept.), Bob DeRubeis (Commissioner, Parks & Recreation), Karyn Dean (Committee Clerk)

#### **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]

**Action:** **Programs & Services Approved 3-0-1 (Councilor Sangiolo abstaining; Councilors Leary, Kalis and Schwartz not voting)**

**Note:** Commissioner of Parks & Recreation, Bob DeRubeis, joined the Committee. The Commissioner explained that the funds requested are to replace the current bucket truck, which was purchased used, and is at the end of its life cycle. With trucks like these, even if the body and engine are in good shape, the hydraulics can fail. Once that happens, the state will no longer guarantee the truck or test it so it has to come off the road. The current truck is about a year away from that condition. A bucket truck is vital equipment for the Forestry Division for pruning and tree removal.

Councilor Baker moved approval. Councilor Sangiolo said she would be abstaining because there has been no breakdown on bonded indebtedness expenditures. She supports the item but wants that information and hopes she will see it at Finance Committee. The Committee voted to approve the item with Councilor Sangiolo abstaining.

#### **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]

**Action:** **Programs & Services Approved 3-0-1 (Councilor Sangiolo abstaining; Councilors Leary, Kalis and Schwartz not voting)**

**Note:** Commissioner DeRubeis explained that McGrath Playground has three courts that were renovated a few years ago and are in still in good condition. Four other courts are in desperate need of renovation, so much so that they have been out of use for almost a year. The plan is to create three courts from the four as they were originally built quite close together. These courts are well used by the senior population, so this will allow some room for benches as well. Losing one court is not problematic as there are many courts in the City. There is an off-leash site as well near the courts, which will be funded with off-leash license money. The whole project will cost approximately \$280K but \$213K will be used for the courts.

A Committee member asked about innovations in court construction. The Commissioner noted that there are 69 courts in the City, all made of asphalt except for 5 clay courts. Asphalt courts last about 15 years. The Burr Park courts will be next in line for renovation and the department is looking at post tension concrete for that site. The system uses tensions wires in the concrete that are tightened at the end of the process. These types of courts last longer, however, he is still researching how these courts do in the colder climates. For interim repairs, they have been using a Right Way system, which utilizes multiple membranes that go over cracks and are tamped down. There is a 2-year warranty on this product, which is much better than the silicone that they have used in the past. The Right Way system has been saving money in repair costs and extends the use of the court.

Councilor Baker moved approval and the Committee voted in favor with Councilor Sangiolo abstaining.

### **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]  
**Action:** **Programs & Services Approved 4-0-1 (Councilor Sangiolo abstaining; Councilors Kalis and Schwartz not voting)**

**Note:** Commissioner DeRubeis explained that currently, the department uses a 10 cubic yard packer which is too big for the City's needs for trash/recycling pickup. The Big Belly trash cans in the City compact the trash so there is less volume. The 6 cubic yard packers are more appropriate and can be operated by one person. The idea is to have both new trucks out at the same time: one for recycling and one for trash, which will be more efficient than their current schedule. There is now a recycling dumpster at Rumford Avenue, which improves the process as well.

A Committee member noted she has seen a lot of contamination in the recycling containers in Newton Centre. She would like to work with the Solid Waste Commission on a major campaign with businesses. The City should not have to deal with all their waste and they should understand the recycling process. They could even just have signs about which products from their

establishment can go into recycling and which cannot. Commissioner DeRubeis agreed that there is some contamination still and there needs to be more education.

Councilor Leary moved approval and the Committee voted in favor with Councilor Sangiolo abstaining.

**#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]

**Action: Programs & Services Held 6-0 (Councilor Kalis not voting)**

**Note:** Councilor Danberg explained that his item has been discussed several times in Committee. At the last discussion, Committee members requested that the docketers contact businesses in the City that would be affected by the ban to understand the impact on their businesses. A letter was mailed out to 400 food establishments in the City explaining the proposed ordinance, inviting owners to this meeting, providing a link to a survey, and included a list of alternative products. The ban would regulate food and beverage containers in the City and Styrofoam coolers, but would not include packing peanuts used in establishments in the City.

Dr. Brita Lundberg joined the Committee. She explained she is an infectious disease physician but is also an environmental advocate and a member of Green Newton and the Environmental and Occupational Health Committee at the Massachusetts Medical Society.

Dr. Lundberg noted that 30% of landfills are filled with Styrofoam, 5 trillion pieces of it are in the world's ocean and it is the fifth largest creator of hazardous waste in the United States. Essentially it is not being recycled. Burning polystyrene releases styrene which is a known carcinogen and Massachusetts incinerates it. It is a petrochemical and is present in diesel fuel, coal tar, cigarettes and natural gas. It is a contaminant of food, water and air and 100% of Americans have polystyrene in their tissues. The evidence of styrene genotoxicity in humans is convincing according to the National Research Council. When warm food or beverages come in contact with Styrofoam, styrene, benzene, ethylbenzene and toluene leach into the food product which is then consumed. These are known human carcinogens. People are exposed by other sources as well and over time there is a cumulative effect.

Most data on health effects are in occupational workers. The workers exposed to polystyrene suffer from increased cancers of the blood as well as a host of solid tumors. The risk correlates with the time of exposure. It is a known neurotoxin and can cause hearing loss, instability, nervousness, sleeplessness and other neurological issues. It reduces dopamine levels which keeps people from depression and Parkinson's Disease. It is also associated with reproductive toxicity and spontaneous abortions. Banning these products will have a positive effect on the environment and public health.

Sun Woo Kong joined the Committee. She is on the board of Green Newton and is on the Solid Waste Commission. A Subcommittee of the Solid Waste Commission took a survey on 20 food establishments and found that 50% of the establishments do not use any kind of polystyrene and 90% use none or just one type of polystyrene. Clam shell containers and hot cups were the polystyrene items most used. All establishments use plastic, paper and aluminum foil containers as alternatives as well. In the survey comments, there were concerns about costs in using alternatives. The cost sheet included in the survey for alternative products shows that the clam shell alternatives are the only products with a significant cost difference (on average, an additional 10 cents each). A business owner expressed a desire to have a grace period in which to use already purchased items.

Scott Gubitose, General Manager at Blue Ribbon BBQ, said the restaurant recycles. The alternative items on the provided list are not good options. In the last 10 months they have purchased 274 cases of 3-compartment trays at 12 cents each. They have done tests on sugar cane products and they just do not hold up – they cause leaks and they have had to give customers refunds – and they are twice the cost of the clam shells and plates they use. The real cost would be 26 cents per unit and would equal another \$13K a year for their business. Using plastic containers would cost 49 cents a unit. The restaurant could take on that cost with the hope that people are going to recycle. A Councilor pointed out that removing the polystyrene from the environment is extremely important for other reasons – not just a landfill issue. Mr. Gubitose understands the issues with polystyrene but he cannot find a product that will hold their food in a reasonable manner. He wished he could find a good product that was also cost effective.

Alex DiPietro, franchise owner of a Dunkin Donuts in Newton and in Brookline, said that he is bound by what the franchise agreement allows him to sell and use. Brookline has a polystyrene ban so they use paper there, however, they cannot offer an extra-large size because there is no alternative available for that size cup. He said those cups are double-lined with plastic and not recycle and not necessarily better for the environment. Sleeves are also offered. He understands the health and environmental hazards, but some people go out of their way to leave Brookline to find the larger size or to use the Styrofoam product.

It was noted that other communities have enacted bans and Dr. Lundberg said they could find out how they are handling these issues and which products are being used. Councilor Schwartz said he would like to work with business owners to find some solutions. Councilor Danberg said she would bring some new information back to Committee. The Committee voted to hold this item.

### **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]

**Action:** **Programs & Services Approved 5-0-1 (Councilor Schwartz abstaining; Councilor Kalis not voting)**

**Note:** James Freas, Deputy Director of the Planning Department joined the Committee. He explained that this ordinance for trucks is for their placement on Wells Avenue only, in perpetuity. The Licensing process will go through the Health Department and a location permit process will go through the Planning Department. The location permit process will include working with public safety and property owners to determine where the trucks can park and operate on Wells Avenue. There will be a public hearing in the Zoning & Planning Committee on November 13<sup>th</sup>.

A Councilor wondered why this was being limited to Wells Avenue. Another Committee member explained that this was more as a trial program and the decision was made not to open this up to other areas of the City. There has been some concern from brick and mortar establishments in the City, but because there is a need for food opportunities at Wells Avenue, allowing food trucks there was reasonable. Mr. Freas noted that the property owners on Wells Avenue are very interested in having the ordinance passed and see it as an attractive amenity for their businesses. This will also help with attracting new tenants. Some Councilors felt that limiting the trucks to Wells Avenue was unfortunate, but hopefully this trial will prove successful and the opportunity can be expanded to other areas. The Economic Development Commission and Planning Department could work on finding appropriate locations. A Committee member asked for an update on this program next summer or fall.

Councilor Sangiolo moved approval and the Committee voted in favor with Councilor Schwartz abstaining.

**#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]

**Action:** **Public Hearing Closed; Programs & Services Held 7-0**

**Note:** Councilor Rice introduced the item and opened the public hearing. He explained that once the item is voted out of Committee, it then goes to the City Council. If it is approved by a majority vote, it then goes to the Executive Office for the Mayor's signature. The Mayor must sign it in

order for it to go to the state Legislature. If it voted out of the state legislature, it would then come back to the people of Newton as a ballot question and the City would vote.

The Committee discussed the schedule of meetings on this and how the full Council could participate in the conversation.

Some Councilors felt that voting the item out of Committee for the purpose of fuller participation by the City Council would be the best route to take. There were ballot questions in 1996 and in 2000 that indicated that residents had a desire to reduce the size of the legislative body. Research has been done in the past and a study was produced by Councilor Lipof and former Alderman Vance suggesting a 8 and 8 model as is proposed in this docket item. It has been well thought out and researched over the years and it should move forward.

Others felt that having more time for discussion and review would be a wiser direction, including a working group to convene in the new term. The Charter Commission took two years to study the issues and these are not issues that can be decided in a few weeks. Charter Commission member Christopher Steele sent a letter that advised against separating the size of the Council from other Charter Commission suggested changes and also advised undertaking a deliberative and open process which includes input from the community. He offered the research and work of the Charter Commission to the City Council to assist in the deliberations.

#### Public Comment

The speaker list is attached to this report.

Susan Flicop, representing the League of Women Voters said the League has not been able to take a vote on this docket item because it came up so quickly. The League will be sending a letter regarding their concerns about process. This item was docketed by 14 City Councilors and she believed this was a violation of the Open Meeting Law as they must have discussed it. There was no notice to the public that this was being docketed and the process should be more transparent. She asked that the item not be pushed through without considered debate and discussion.

Jane Frantz suggested that the City Council should consist of 12 Councilors to include 8 elected at large from 8 wards and 4 Councilors elected from 4 districts made up of 2 contiguous wards each. This would address concerns expressed by residents: it guarantees equal representation across the city and provides a representation from a smaller section of the City as well. She felt the other Charter Commission changes should be made as well because the current Charter is outdated. A ten year review of the City Charter should be accepted. She asked that due diligence should be taken and not drawn out for another year.

Rhanna Kidwell said the YES campaign discussed the City Council composition with thousands of residents. People had the idea at first that smaller was better, but after further discussion of the 8 and 8 proposal, they felt that it may not provide the representation they would desire. She does

not support this proposal but she would like to see the City Council find a model that could work. She applauded the Council's willingness to take this issue up.

Theresa Fitzpatrick said she was not in support of this proposal. This recommendation would only allow residents to vote for 56% of candidates and this is moving in the wrong direction as far as accountability. She would like transparency in the Council's work. Her Ward voted that they want a new charter. Does that mean that her ward councilor will hear the voices of his constituents and vote no on this proposal? She would like to know why 8 and 8 is being proposed. She wants a Council that is responsive to all the citizens of Newton.

Nelson Lipshutz said that he is in favor of the 8 and 8 proposal. The Council must remain firm if there are proposed changes that would cause a weakening in the role of ward Councilors. Such changes would be an attempt for a centralization of power that was roundly defeated by the voters yesterday. Newton is under siege by large developers. The City needs local voices to be amplified and not suppressed. He urged the Committee to move forward aggressively with the proposal.

Marcia Tabanken said she felt strongly that the City Council is too big to be effective, but feels more strongly that this proposal is not the right one. It reduced the number of Councilors people can vote for so half of City Councilors will be voted by less than 1/8 of residents. With half of the Council being beholden to their wards she doesn't feel the Council could act in the best interests of the community. It is clear that most residents want a smaller City Council, but more research has to be done to determine the best model for the City.

Lisa Monahan said she worked for the YES campaign and is disappointed in the outcome of the vote. She is grateful the City Council is willing to listen to the voters and discuss the size of the Council further. She has done a lot of public process work herself having served on public committees and boards. She understands the importance of listening to the community and being open and transparent. The September Surprise was disappointing – when this item was docketed. She wants the Council to act as a team on this and many Councilors knew nothing about this proposal. Perhaps the proceedings were undertaken in an illegal manner and broke the open meeting laws. The proposal came without any public input or knowledge of so many Councilors.

Nancy Tener said that over the summer and fall she has spoken to hundreds of Newton residents. The opportunity to work on the NO campaign allowed her to know more people. There is a lot of interest in reducing the size of the Council but the Charter proposal was too radical by losing the ward councilors. They did not understand why the local representation as being taken away. The 8 and 8 proposal idea has been around for many years and at one time the LWV was in favor of it. She is in favor of the proposal and it should be decided within the term of the current Council.

**Peter Harrington. His written comments are attached.**

Kathleen Hobson said that she is against the proposal. It was meant to sabotage the Charter Commissions proposal and she finds that outrageous. She does not like the substance of this proposal. It goes in the opposite direction of providing more holistic decision making.

Doris Ann Sweet said she is very much in favor of a smaller and less complicated City Council. There was confusion on the Ward 4 ballot because of the Ward and At-Large choices with the write-in candidate. She is not in favor of an 8 and 8 model and feels 24 is a better model. It gives away the power of people to vote for the people who make rules, policy and law for the entire city.

Karen Bray said the idea of local voice and ward representation has felt fabricated. In her experience she has been represented by other ward councilors who are not hers. The idea of losing representation does not make sense. For the purpose of voting, there needs to be wards, but each ward having one voice doesn't make sense. She liked the Charter because it would allow residents to vote for more Councilors. She was concerned that the entire City was not informed of this public hearing and she hopes there can be a robocall next time.

Anne Larner said she has learned that many people in the City do not have a clear understanding of how city government works. She has also learned that no assumptions can be made about what people think and why they believe what they believe. The Charter was defeated by 1600 votes and now there is a City Council effort to reduce the Council from its current size to 16. Before the City Council puts any Home Rule Legislation on the Mayors desk, it should gather and analyze information on what was on voters minds when they voted yesterday. No assumptions should be made. The Committee should have a robust discussion on the proposal because it is not 1996. She asked that a report be published describing the benefits of this proposal and have a public hearing after that report is published. Citizens need opportunities to learn about decisions of how the government operates.

Lois Levin said that the Charter vote has slowed down the process of moving Newton into the 21<sup>st</sup> century. This proposal is not a step in the right direction and she agrees with Chris Steele and other speakers. She said she has had representation from several councilors that are not in her ward. There was a risk that the Charter would not pass, but people devoted time to it. They put two years into the work of the Charter Commission and deliberated systematically and studied, argued and debated all aspects of it. Downsizing is not simplistic. Ward councilors are not needed anymore to fix a pothole because the City has 311 now. She doesn't know most of the councilors and it has not mattered at all.

Alicia Bowman said she is a YES supporter. She is disappointed in the process of this docket item. She said it was done without a single public meeting of the Council. People are highly distrustful of the federal government, so the local officials should take care in maintaining trust and that everything is done aboveboard. Instead, the proposal was put forward to disturb the vote on the Charter recommendation. The Council has had years to move forward on something like this, but has not. It seems disingenuous to take it up when on the cusp of a vote and is disrespectful to the Charter Commission and the citizens who testified. YES was not defeated because of the lack of



local representation, but because of the continued amplification of alternative facts by current City Councilors, such as saying that the LWV supported a 8 and 8 model in a previous vote. The League supported downsizing to 16 with either a mix of ward and at-large, or all At-Large.

John Sisson said the voter turnout was amazing yesterday and there was real political engagement in the City. People should be proud of that. He said tonight is not the time to dig into the merits of one model or another. It might be a good time for a substitute item which creates a working group to do that work. Rushing forward is not going to be advantageous or lead to a good discussion that he thinks residents would like to have.

Bryan Barash said it is important to respect the will of the voters and hopes a way can be found to move forward with a Charter proposal that has broad public support. He urged the Committee to go through a robust public process to vet the proposal and allow for more feedback. Having gone through the Charter Commission process, it was important that taking time improved the process significantly. He felt a district model would have more support, but his fellow Commissioners did not agree. He did end up as a strong supporter of the proposed Charter. He offers his advice to help the Council move forward and he hopes any proposal will include parts of the Charter that did have broad support.

Tarik Lucas said he worked for Newton Citizens for Local Representation this past year. He knocked on many doors to educate people on the proposed Charter changes. Some people say they will have to give up their right to vote for more of the City Council. He feels that is good and that more power should be given to Ward councilors. He is not in favor of the 8 and 8 proposal. He would be in favor of 8 ward councilors only. It would be more efficient.

Rob Gifford wanted to know why there would be 16 Councilors since that would still be a very large Council. He wanted to know why the shift would be to half ward and half at-large councilors. He also wanted to know why other Charter Commission changes were not being considered. He felt the proposal was put together in haste and should be subject to a much more extensive review process.

Claire Sokoloff was concerned with the process. The vast majority of voters in 2015 said that the Council should be modernized. She has done a lot of canvassing over the last few weeks and nearly all people agreed the Council should be downsized. They also like other changes in the proposed Charter. She was concerned with this proposal because it does not address all the issues. She hoped the Council would be more holistic and thoughtful in their deliberations and think about the other changes in the Charter. Home Rule Legislation measures to change a Charter by other communities included study groups. There is no reason to rush this. There should be some respect for the Charter Commission's work.

Jen Abbott said she was a co-chair of the YES campaign. Changes of this magnitude deserve public discourse, research and deliberation as was done in the Charter Commission. Having an opportunity for public input on the day following an election on the same topic is unfair to the

residents of Newton. She heard many Councilors support the 8 and 8 model based on what they have heard from residents. The only basis of proposal was anecdotal evidence of these conversations. Her experience going door to door showed that most residents do not know how the Council works, what ward they live in or who the councilors are. She mostly heard that people wanted to be listened to and represented well. This proposal goes against the will of residents and gives people less voice rather than more. Half of the Council would have little incentive to listen and respond to 87% of Newton's residents. This is not in Newton's interest.

Sally Lipshutz watched the Newton voters send a message that the City Council should be reduced. She believes the current 24 serve the City well. The electorate resoundingly rejected the Charter proposal with its all at-large Council structure. She watched the Charter Commission do great work on other issues but was disappointed in their recommendation on the City Council. She believes this Home Rule Petition preserves both kinds of representation and is what the voters want. She is comfortable with equal weight between ward and at-large councilors. Wards should have voice at the table when issues are affecting their neighborhoods. This will also simplify the election process by comparing and contrasting candidates. She fully supports the 8 and 8 proposal and hopes there is a robust debate but feels it can be voted out by December 4<sup>th</sup>.

Sharon Gorberg said the voters in the City have spoken with the No vote on the Charter changes. The 8 and 8 model should be considered.

Ken Parker wanted to explain the City process because some speakers stated that there was no public engagement or input on this docket item. He said that this public hearing IS the opportunity for public input and engagement. Many items in the past have been docketed by multiple Councilors, including the recent Welcoming City ordinance, and this is how business is done. There is no violation of the Open Meeting Law to get co-docketers of an item. This proposal is a good compromise. All the Councilors will be elected by the people of Newton and having direct accountability is important.

Paul Glickman said that he spent time canvassing for his wife who was just elected to City Council. The most divisive issue he encounters was the Charter. One day after the election the City Council should not be taking this up without the debate and review that is needed. A study group should be set up and it is precipitous to vote on this now.

Matthew Hunter said he is surprised at so many people looking to re-litigate yesterday's vote. The Charter proposal was sold on the basis of the Council being too large. Many of the other parts of the Charter were noncontroversial. The Council size was the fatal flaw and the voters rejected it. People who voted for and against want the Council small, but in different ways. He advised them to keep local representation. The proposal is cogent as it reduces the size of the Council and preserves local representation. There is enough time for debate because the issue would not come back to Newton for a vote for a significant amount of time.

Gerard Slattery said he was confused by this proposal. Many of the residents do not find out about what is going on until late in the game. He wonders what the purpose of a City Council is. It represents the people of the city. The people voted on it and in large numbers and it lost by a decisive margin. The will of the people has been represented with the vote and prefer the current make-up of the City Council over what was proposed in the Charter. Something this important should be decided by referendum by the residents of the City.

Kathleen Kouril Greiser said she has always found the 24 person City Council to be good. They have undertaken many lively debates but she feels the balance of ward and at-large councilors are backwards. She does prefer head to head competition, however. She would prefer to have 16 ward councilors and 8 at-large councilors. The 8 and 8 model is closer to a more grass roots representative form of democracy. If the Charter Commission opposes this model then the only reason is because their real objective was to get rid of ward councilors.

Nathaniel thanked the Charter Commission for their hard work and hopes the City will build on their work by including the non-controversial changes made to the Charter. He supports the 8 and 8 model but hopes there will be more discussion and think about the contingencies and outcomes without rushing. The public needs more opportunity to be heard over time.

The Committee voted to close the Public Hearing.

#### Committee Comments/Questions

Councilor Lipof said he had hoped the Charter Commission was propose a model which included a councilor from formed quadrants. He heard support for that. When that did not happen, he signed onto this docket item in order to keep the conversation going. He would like a smaller more efficient City Council. He would like the Council to listen to the residents who have voted twice in the past for a smaller City Council. It is time to find the right number and composition that will work for the City and modernize the Council.

Councilor Auchincloss stated that he will docket an item for a study group in the new term to internalize many of the Charter Commission recommendations with the alterations to the recommendation for the size of the Council. He would like to downsize the Council and implement their thoughtful recommendations. Changing the city's constitution in one night is not advisable. It needs to be discussed and he encouraged other Councilors to co-docket the item with him. Just because the voters rejected the Charter, does not mean they support the 8 and 8 model. That was not on the ballot and it is a big assumption. This should not be rushed.

Council Baker noted that making the other changes recommended by the Charter Commission should definitely be looked at and many implemented and that can be done at any time. People argued that this item should be postponed until after the election and that it what the Committee did. The City Council is an extraordinary body and time and again 24 people have made better decisions. He is not interested in reducing the number just because smaller seems better. No one has ever said that Newton does not have an effective government. He is not supportive of this

item. He does think the Council deserves the opportunity to decide the issue. He would move the item so that it can get to the full City Council so the conversation can happen, but he will not support it at the City Council vote. He would like to have this question placed on the 2019 municipal election instead of the 2018 state ballot as there are issues of early voting and separate ballots. He would also recommend including language that states that the legislature cannot change any of the proposed language as this became an issue in the past. He explained that other Charter changes would not require a vote of the electorate, but changing the composition of the legislative body would require the vote.

Councilor Schwartz noted that former Aldermen Ken Parker explained the docketing process. That is not when the public input occurs. Docketers decide if they want to submit something or not. He personally did not have any extensive or large discussions when deciding to co-docket the item. There was no violation in the Open Meeting Law in docketing the item and public input does not come before docketing an item. This item was submitted late in the term, but it was put off until after the election at the request of many. That is why it is being discussed tonight. As much input from the public as possible is very informative and he thinks a robust process is necessary. The Charter Commission did a wonderful job and he respects their work. The City Council could consult that work and build on it. Other reforms can be dealt with in the future as suggested by Councilor Baker and others and no vote is necessary for that.

Councilor Laredo noted that the Charter Commission's model for the four district councilors would be at-large and not voted just from that district. Councilor Lipof had mentioned the latter model. The voters rejected the Charter and he did not support their recommendation. He let people know that the City Council was planning on discussing a smaller model. The item should get to a Committee of the Whole for more extensive discussion. He said he could not promise what the Mayor, the state legislature or the voters would do, but he would want to commit to seeing this item through the local legislative process. It deserves to be heard in this term and if the City Council decides to defer to the next term, then so be it.

Councilor Leary said she has been only the Council for four years and is not familiar with what happened previously. She would like to have one more discussion in Committee with specific requests for material. She is not interested in sending this to the Committee of the Whole without some research. There is absolutely no rush to get this done before the end of the term. The Charter Commission did a thoughtful job and had an open process.

Councilor Kalis said the Council does need to take action because they committed to doing so. He does not like doing work at the full Council level and would like more discussion in Committee. He would propose keeping most of what the Charter Commission recommended aside from the City Council formation. He proposed putting choices out to the residents for 24, 8 and 8, and 8 at-large and 4 district. This will give them voter input to decide what the residents want.

Councilor Lappin said there were some good non-structural recommendations for the Charter. The reason items go to Committee is for discussion and a recommendation to the full City Council.

There is not much discussion about the substance of the proposal so she would recommend another meeting before the full City Council. A recommendation must come out of Committee.

Councilor Sangiolo said the point is to get a Committee of the Whole for a substantive discussion. This seems more productive than keeping it in Committee when feedback is needed by the full Council.

Councilor Norton said she was concerned that if it did not get voted out in the term, it would never happen. Any newly elected Councilor would be reluctant to vote away their position. For those who support this, it needs to move forward.

Looking at the schedule there is little time for another discussion. The Chair decided to call a special meeting for November 15<sup>th</sup> to continue the discussion in Programs & Services Committee. The Chair invited members of the Charter Commission to join that meeting as well. Other City Councilors will be invited to attend as well.

Councilor Sangiolo asked that anyone who has specific questions or concerns, please take the time before that meeting to do research

The Committee voted to hold the item.

**#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]**

**Action:**      **Approved 6-0 (Councilor Kalis not voting)**

**Note:** The Committee met with Mr. Doherty on October 16<sup>th</sup>, however, his appointment had been mistakenly placed on the agenda before it had been accepted to the docket. Therefore, the appointment is on this evening's agenda for a vote. Councilor Baker moved approval and the Committee voted in favor 6-0.

**#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]**

**Action:**      **Programs & Services Approved 6-0 (Councilor Kalis not voting)**

**Note:** Councilor Sangiolo moved approval and the Committee voted to approve this re-appointment 6-0

**#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]

**Action: Programs & Services Approved 6-0 (Councilor Kalis not voting)**

**Note:** Councilor Sangiolo moved approval and the Committee voted to approve this re-appointment 6-0

**#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]

**Action: Programs & Services Approved 6-0 (Councilor Kalis not voting)**

**Note:** Councilor Sangiolo moved approval and the Committee voted to approve this re-appointment 6-0

Meeting adjourned.

**Respectfully Submitted,**

**John B. Rice, Chair**

**CITY COUNCIL COMPOSITION**  
**8 WARD COUNCILORS**  
**8 COUNCILORS-AT-LARGE**

**Public Hearing**  
**#313-17**

**SPEAKERS LIST**

**Wednesday, November 8, 2017**

NAME: (Please Print)

ADDRESS:

- |      |                 |                   |   |
|------|-----------------|-------------------|---|
| 1. ✓ | JOHN SISSON     | 45 GREENLAWN AVE. | ✓ |
| 2. ✓ | Bryan Barash    | 161 Lowell Ave    | ✓ |
| 3. ✓ | Tarik Lucas     | 36 Central Ave    | ✓ |
| 4. ✓ | Rob Gifford     | 41 Oxford Rd      | ✓ |
| 5. ✓ | Clare Sokoloff  | 41 Oxford Rd      | ✓ |
| 6. ✓ | Alicia Bowman   | 19 Chestnut Terr  | ✓ |
| 7. ✓ | Ballee Dunstons | 24 Radcliff Rd    | ✓ |
| 8. ✓ | Sharon Horber   | 26 Walnut Hill Rd | ✓ |
| 9. ✓ | Paul Parik      | 965 W ALBERT ST   | ✓ |
| 10.  | Paul Glickman   | 854 Chestnut St.  |   |
| 11.  | Matthew Hunter  | 450 Highland St   |   |
| 12.  | Gerard Shattens | 143 Bridge St.    |   |
| 13.  | Kathleen Kanel  | 258 Mill St.      |   |
| 14.  | Nathaniel       | 53 Pinecrest Rd.  |   |
| 15.  |                 |                   |   |

# CITY COUNCIL COMPOSITION 8 WARD COUNCILORS 8 COUNCILORS-AT-LARGE

## Public Hearing #313-17

### SPEAKERS LIST

Wednesday, November 8, 2017

NAME: (Please Print)

ADDRESS:

- |                              |                                 |   |
|------------------------------|---------------------------------|---|
| 1. ✓ Susan Flisop (for LUVV) | 145 Florence Street             | ✓ |
| 2. ✓ Anne Frantz             | 12 Glastonbury Oval, NABAU      | ✓ |
| 3. ✓ Rhanna Kidwell          | 56 Kenwood Ave                  | ✓ |
| 4. ✓ Theresa Fitzpatrick     | 1935 Beacon St                  | ✓ |
| 5. ✓ Nelson Lipschutz        | 24 Radcliff Road                | ✓ |
| 6. ✓ Marcia Tabenken         | 11 North St, Newtonville        | ✓ |
| 7. ✓ Lisa Monahan            | 1105 Walnut St Newton Highlands | ✓ |
| 8. ✓ Nancy Tener             | 23 Stafford St.                 | ✓ |
| 9. ✓ Peter F Harrington      | 157 Lowell Ave                  | ✓ |
| 10. ✓ Kathleen Hobson        | 128 Dorset Rd                   | ✓ |
| 11. ✓ Doris Ann Sweet        | 281 Lexington St.               | ✓ |
| 12. ✓ Karen Bray             | 38 Stearns St NCC               | ✓ |
| 13. ✓ Anne Larner            | 68 Myrtle St                    | ✓ |
| 14. ✓ Lois A. Levin          | 497 Chestnut St.                | ✓ |
| 15. ✓ Jen Abbott             | 26 Whitney Rd                   | ✓ |

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Peter F. Harrington, 157 Lowell Ave., Newtonville. 46 years ago, come January, I was elected Vice President of the Board of Aldermen. My years here were the best time of my adult life. I was then elected to the House of Representatives. That Journey ended with a cut in the size of the House. We were promised efficiency, better government. I see no change except Full time Representatives, more aides, and higher salaries. The House today is no better or no worse that it was 50 years ago.

Yesterday's vote shows that people want you, the City Council, the way you are. We want neighbors and friends to hold this office. We don't want people that will have to give up their job to serve. Efficiency is not a Hallmark of Democracy. We want robust debate about the issues that affect our city. We want diversity. We expect you to hold an open mind until all the evidence is in.

The evidence is now in. The majority of concerned Newton voters do not want to change the City Council. That was the issue that directed the vote on the Charter Change. The question was put, Remove half of the Councilors at large and all the Ward Councilors. The voters said NO. Will you accept that vote?

I also served on the 1969 Charter Commission. I would like to share some information we learned about the make up of the City Council, as we did our due diligence.

At the time our city was established it was made up of a grouping of villages. It was decided that each of the villages or, at that time, Wards, should have a representative in the local legislature, serving the purpose of a House of Representative and that At Large Representatives be elected to act as a brake, much the same was as a Senate. The question of how to keep the Senate types from ganging up on the Ward Representatives was to provide a residency requirement so that they would be scattered throughout the City. Then there was the concern that the Ward Representatives would be able to control the legislative process. That was resolved by requiring two at large members for each Ward Representative. That left a 2/3 majority in the hands of the At large members.

I understand that most people believe that this distribution formula worked well in our City and helped preserve our unique village structure. It ensures more complete representation for a wider more complex residential base.

Today, the question is whether or not to continue with the old village structure. I suggest you answer that question before you make any significant change in our municipal legislative structure.

Please leave the size of the City Council alone and go back to work on our other problems first. Since the people have spoken you should vote "No Action Necessary."