

Chapter 7

BOARDS AND COMMISSIONS*

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ARTICLE I. IN GENERAL

Sec. 7-1. Commissions, boards, committees and councils.

Unless otherwise provided, the appointment to and service on any municipal commission, board, committee or council shall be governed as follows:

- (1) Members, alternates, and associates shall be residents of the city, appointed by the mayor with the approval of the city council and serve without compensation, provided however that the following members need not be residents of the city:
 - (a) Persons who serve in an ex officio capacity;
 - (b) Appointees to an advisory board or council. For purposes of this clause, an advisory board or council shall mean one which serves in an advisory capacity to another municipal commission, board, committee and/or council.
- (2) A member shall serve for a term of three (3) years and continue to serve after the expiration of his term until a successor has been appointed and has qualified.
- (3) Initial appointments to any body shall be so appointed that, as nearly as possible, the terms of an equal number of members shall expire every year. Any odd numbered initial appointment shall be for a term of one year.

*Editor's Note – Boards and Commissions are found throughout the ordinances: City council, Ch. 2; design review committee, Ch. 2 investment advisory committee, Ch. 5; designer selection committee, Ch.5; advisory council of health, Ch. 12; biosafety committee, Ch. 12; human rights commission and advisory council, Ch. 12; institutional biotechnology committee, Ch. 12; youth commission, Ch. 12; council on aging and advisory board, Ch. 14; Jackson Homestead trustees, Ch. 13; library trustees, Ch. 16; Newton commonwealth foundation trustees, Ch. 18; traffic council, Ch. 19; parks and recreation commission, Ch. 21; urban tree commission, Ch. 21; conservation commission, Ch. 22; economic development commission, Ch. 22; historical commission and district commissions, Ch. 22; planning and development board. Ch. 22; urban design commission and advisory board, Ch. 22; board of assessors, Ch. 27; taxation aid committee, Ch. 27; zoning board of appeal, Ch. 30. The financial audit advisory committee may be found in the standing orders of the city council.

- (4) A member may be removed for cause by a majority vote of the members of the respective body, with the consent of the appointing authority. A member has a right to request and receive a public hearing prior to removal.
- (5) Any member who removes his residence from the city or any ward or district wherein residency constitutes a condition of appointment shall be considered thereby to have resigned from membership on the body.
- (6) Vacancies shall be filled for the period of the unexpired term in the same manner as original appointments.
- (7) A majority of the members of a body shall constitute a quorum.
- (8) The body shall elect annually a chairman and any other officers as it may deem necessary from among its members and shall adopt rules and regulations for the conduct of its business, a copy of which, including amendments thereto, shall be filed with the city clerk. (Rev. Ords. 1973, § 2-11; Ord. 102, 12-15-75; V-290, 3-20-00; Rev. Ord. 2007, § 2-8)

Cross references—designer selection committee, Ch. 5; Art. V design review committee, Ch. 5; Art. V, human rights commission and advisory council, Ch. 12, Art. V; youth commission, Ch. 12, Art. VI; council on aging, Ch. 14, Art. II; parks and recreation commission, Ch. 21, Art. II; conservation commission, Ch. 22, Art. II; historical commissions and districts, Ch. 22, Art. III; urban design commission, Ch. 22, Art. IV; economic development commission, Ch. 22, Art. V

Secs. 7-2—7-19. Reserved.

ARTICLE II. NEWTON COMMUNITY EDUCATION PROGRAM

Sec. 7-20. Establishment and purpose.

(a) There is hereby established the community education program which program shall provide educational, cultural, avocational and social programs and activities. This program shall carry out the functions which were previously carried out separately by the community schools program and the Newton public school's division of continuing education.

(b) The intent of the Newton community education program is: to provide individuals with opportunities for personal and professional enrichment and enhancement; to provide meaningful opportunities for citizen involvement in the planning, determination and development of relevant community services; and to maximize, in the most cost-effective manner possible, community access to school and municipal facilities for these activities. (Rev. Ords. 1973, § 2-421; Ord. No. 617, § 1, 12-17-73; Ord. No. T-187, 11-18-91; Rev. Ord. 2007, § 2-275)

Cross references—special leave, vacations and other absences, article not applicable to school employees, § 2-25; incidental school expenses, § 2-115; school department not affected by director of personnel, § 2-224; health and human services department, Ch. 12, Art. II; authority of parks and recreation commission over school property, § 21-2; auxiliary school patrol, § 24-5

Sec. 7-21. Relationship to school department and appointment of executive director.

The community education program shall be under the control of the school committee. The school committee may appoint an executive director to manage and supervise the community education program. (Rev. Ords. 1973, § 2-422; Ord. No. 617, § 1, 12-17-73; Ord. No. S-42, 2-21-84; Ord. No. T-187, 11-18-91; Rev. Ord. 2007, § 2-276)

Sec. 7-22. Community education commission.

(a) There shall be an eleven member community education program commission which shall establish program policies to guide the community education program. The membership of the commission shall reflect the broad diversity of the city, and it shall serve as the vehicle for community input to the program.

(b) There shall be eight appointed members of the commission. The mayor, city council, school committee and PTO council shall each appoint two members to the commission. Their appointments shall be on a staggered basis. The term of office for the appointed members shall be two years, provided that for the initial appointments made hereunder, each of the appointing authorities shall make one of its appointments for a one year term. No appointed member shall serve more than eight consecutive years.

(c) There shall be three ex-officio members: one from the school department as designated by the superintendent of schools, one from the parks, recreation and culture department as designated by the parks, recreation and culture commissioner and one from the Newton after-care school association as designated by said association.

(d) The chairperson shall be elected by the eleven commission members from among the eight appointed commission members. The commission shall have the power to establish by-laws and rules of procedures in order to carry out its responsibilities. A quorum shall consist of a simple majority of the commission. (Rev. Ords. 1973, § 2-423; Ord. No. 617, § 2, 12-17-73; Ord. No. T-187, 11-18-91; Rev. Ord. 2007, § 2-277; Ord. No. B-53, 03-02-20)

Secs. 7-23—7-29. Reserved.**ARTICLE III.
NEWTON CULTURAL AFFAIRS****Sec. 7-30. Composition, purpose, appointment of members, chairperson.**

(a) There shall be a Newton cultural affairs commission within the executive department to carry out the provisions of this division. The commission shall consist of nine (9) members who shall be appointed by the mayor with the approval of the city council and shall serve without compensation. The members of the commission shall be citizens of the city and shall, so far as practicable, be so selected as to provide representation from the various fields of the performing and fine arts, including but not limited to music, drama, graphics, dance, photography, crafts, sculpture, museums and related fields of specialization.

(b) The term of service shall be three (3) years, but no member may serve for more than two (2) consecutive terms. Each member shall continue to serve after the expiration of his term until his successor has been appointed and has qualified. A member may be removed by a majority vote of the commission, with the consent of the mayor, for cause. Vacancies shall be filled for the period of the unexpired term in the same manner as original appointments.

(c) The commission shall annually elect one of its members as chairperson and may elect such other officers and adopt such rules and regulations on procedure as it may deem necessary. The commission shall meet regularly, and its records shall be public documents. The commission may expend such funds as are appropriate for the purposes stated in this division.

(d) The purpose of the commission shall be to initiate programs concerning the arts within the city; to coordinate such programs, both public and private; to stimulate public interest in the arts; and to advise the mayor, the executive branch, and the city council on matters concerning the arts. (Rev. Ords. 1973, § 2-387; Rev. Ord. 2007, § 2-289)

Cross reference—Regulations governing appointment and service on commissions, etc., § 7-1

Sec. 7-31. Powers and duties.

The commission shall initiate studies of fine, applied and performing arts in the city and elsewhere, and shall make recommendations to the mayor on the implementation of such programs; conduct periodic meetings and seminars for interested private and public groups; give advice upon request of the mayor or the city council upon specific matters affecting the arts; coordinate the efforts of various private, public and educational groups within the city and elsewhere concerning the arts; establish periodic festivals, shows and competitions in the various fields of the arts, and study and seek the availability of public and private sources of funding for artistic, cultural, ethnic and educational programs and projects, both citywide and in the various villages and neighborhoods of the city; and to expend any private funds or municipal funds appropriated for the purposes set forth in this section. (Rev. Ords. 1973, § 2-388; Rev. Ord. 2007, § 2-290)

Sec. 7-32. Advisory board.

The mayor shall appoint, with the advice and consent of the cultural affairs commission, an unpaid advisory board to consist of no less than twenty (20) members, appointed for terms of two (2) years, to include, so far as is practicable, representatives of governmental and private organizations having an interest in cultural affairs, such as orchestras, art galleries, museums, music schools, colleges, the Newton public schools, theatre groups and art associations, whose duty shall be to advise the commission and assist in the formulation of its program and policies. The advisory board shall meet with the commission at regular meetings, and may meet separately. Advisory board members shall not vote on matters before the commission. (Rev. Ords. 1973, § 2-389; Rev. Ord. 2007, § 2-291)

Editor's note—As amended in 1973, this section provided that the original appointees were to be appointed for staggered terms of one (1), two (2) and three (3) years.

Secs. 7-33—7-39. Reserved.

**ARTICLE IV.
NEWTON CITIZENS COMMISSION ON ENERGY**

Sec. 7-40. Establishment.

A commission to be known as the Newton citizens commission on energy is hereby established. (Rev. Ord. 2007, § 2-300)

Sec. 7-41. Composition.

(a) The commission shall be made up of nine (9) members who shall be appointed as follows: three (3) shall be appointed by the city council; three (3) appointed by the mayor; one (1) shall be appointed by the school committee; one (1) shall be appointed by the Newton-Needham Chamber of Commerce; and one (1) shall be appointed by the Newton League of Women Voters. The appointees of the city council, the mayor and the school committee shall all be residents of the city. The energy officer of the city shall be a member of this commission ex officio.

(b) Members shall serve for a term of three (3) years or until their successors shall take office. (Rev. Ord. 2007, § 2-301)

Sec. 7-42. Purpose, powers and duties.

(a) The commission shall develop a city-wide energy plan to encourage energy conservation and the use of alternative energy forms, and provide a plan to coordinate state and federal experts to provide for energy needs and emergencies.

(b) The commission's powers shall include the following:

The commission shall encourage energy conservation in Newton and may investigate methods of conservation and disseminate information thereon; may apply for and receive grants; act as a liaison between Newton and the state on energy matters; act as a clearing house for car and van pooling; conduct citizen education programs including programs regarding the availability of "peak load" pricing differential rates; make recommendations to the mayor and the city council; report on its activities to the mayor and the city council when so requested or on its own initiative; file legislation before the city council; and publicize programs and methods of energy conservation; provided that no expenses may be incurred by the commission without the prior approval of the mayor and the city council. (Ord. No. R-25, 11-5-79; Rev. Ord. 2007, § 2-302)

Cross reference—Regulations governing appointment and service on commissions, etc., § 7-1

Editor's note—This section provided that the original appointees were to be appointed for staggered terms of one, two (2) and three (3) years.

Secs. 7-43—7-49. Reserved.

ARTICLE V. SUSTAINABLE MATERIALS MANAGEMENT COMMISSION

Sec. 7-50. Establishment.

A commission known as the Newton sustainable materials management commission is hereby established. (Rev. Ord. 2007, § 2-320; Ord. No. B-63, 09-21-20)

Sec. 7-51. Composition and organization.

(a) The commission shall be made up of eleven (11) members who shall be appointed by the mayor with the approval of the city council. The members of the commission shall be citizens of the city and shall, so far as practicable, be selected so as to provide representation from any advisory group to the mayor and/or city council dealing with the issue of solid waste disposal or recycling, to the extent that such groups exist, as well as representation by other citizens with expertise or interest in various areas within the field of municipal solid waste disposal, including but not limited to recycling, composting, resource recovery, hazardous waste environmental engineering, solid waste collection, organics management, and energy recovery. The public works commissioner shall be an ex-officio member of this commission.

(b) Each member shall be appointed for a term of three (3) years or until a successor takes office. No member shall serve for more than three (3) consecutive terms, provided, however, that a member appointed to fill an unexpired term may serve for three (3) consecutive terms after completing such unexpired term.

(c) The commission shall annually elect one of its members to serve as chairperson and may elect such other officers, adopt procedural rules and regulations and establish any subcommittees as it deems appropriate.

(d) A quorum of the commission shall consist of a majority of the members then serving on the commission. (Ord. No. V-86, 6-17-96; Rev. Ord. 2007, § 2-321; Ord. No. B-63, 09-21-20)

Cross reference—Regulations governing appointment and service on commissions, etc., § 7-1

Editor's note: The original version of the ordinance provided that five (5) of the initial members be appointed for a one year term and five (5) of the initial members be appointed for a two (2) year term.

Sec. 7-52. Purpose, powers and duties.

(a) The purpose of the commission shall be to advise the mayor and the city council on all aspects of municipal solid waste collection, disposal, organics management, energy recovery, and recycling affecting the city and to monitor and make recommendations regarding the city's activities relating to solid waste collection, disposal, organics management, energy recovery, and recycling.

(b) The commission's powers shall include the following:

To investigate methods of recycling, waste stream reduction, and household hazardous waste collection and to disseminate information thereon; to consider new technologies for handling municipal solid waste; to monitor federal and state laws and regulations pertaining to municipal solid waste disposal with regard to the impact of such laws and regulations upon the city; to monitor and make recommendations relative to the city's solid waste disposal activity, organics management, energy recovery, and recycling and any contracts which implement such activities.

(c) The commission shall file an annual report with the mayor and the city council which shall contain recommendations concerning the city's solid waste collection and disposal activities, organics management, energy recovery, and recycling programs. The report shall also set forth an outline of the committee's goals and objectives for the upcoming year. (Ord. No. S-325, 9-6-88; Rev. Ord. 2007, § 2-322; Ord. No. B-63, 09-21-20)

Secs. 7-53—7-54. Reserved.

**ARTICLE VI.
CHILD CARE COMMISSION**

Sec. 7-60. Purpose and powers.

The purpose of the commission is to ensure the availability and affordability of quality child care for Newton residents and employees. The child care commission's mandate is to:

- (1) Monitor and assess the need for child care programs and services in the city.
- (2) Advise the mayor, city council and the school committee about child care needs and assist in framing public and private child care policy to meet these needs by way of recommendations.
- (3) Work in tandem with the appropriate city and state agencies, as well as private entities, to provide assistance to private child care providers and employers seeking to establish or expand child care programs.
- (4) Increase public awareness of the importance of a quality network of child care.
- (5) Encourage and facilitate the involvement of employers and real estate developers in supporting child care services.
- (6) Encourage and facilitate continued cooperative relationships between child care programs and the city's religious, educational, charitable and health care institutions. (Rev. Ord. 2007, § 2-330)

Sec. 7-61. Creation; appointment; term; election of officers.

(a) There shall be a child care commission to carry out the provisions of this division consisting of sixteen

(16) voting members who shall serve without compensation. With the exception of the city department head, the school superintendent, the school department staff member, and at-large representatives from the city business community, all members of the child care commission shall be residents of the city, provided, however, that at-large representatives from the city business community must operate a business located in the city.

(b) The mayor shall appoint without approval of the city council six (6) members to the child care commission: one city department head; one parent; one child care provider; and three (3) at-large members, one of whom may be a representative of a business located in the city. The school committee shall appoint four (4) members: one parent; one child care provider; and two (2) at-large members, one of whom may be a representative of a business located in the city and one of whom may be a member of the school committee. The city council shall appoint five (5) members: one parent; one child care provider; and three (3) at-large members, one of whom may be a representative of a business located in the city and one of whom may be a member of the city council. The school superintendent shall be the sixteenth member or, in the alternative, may appoint a school department staff member for a period determined by the school superintendent.

(c) Each appointment shall be for a term of two (2) years. A commissioner may serve for an unlimited number of terms.

(d) A member may be removed without cause by the appointing authority. Vacancies shall be filled for the period of the unexpired term in the same manner as for the original appointments.

(e) The commission shall annually elect one of its members as chairperson, and it may elect other such officers from among its members and adopt such rules and regulations or procedures as it may deem necessary. A majority of all the members of the commission shall be sufficient for the transaction of the commission's business. The commission shall issue a report semi-annually on its activities and expenditures to be distributed to the mayor, the school committee, the city council and the school superintendent. (Ord. No. S-331, 10-3-88; Ord. No. T-240, 6-1-92; Ord. No. T-320, 12-20-93; Rev. Ord. 2007, § 2-331)

Cross reference—Regulations governing appointment and service on commissions, etc., § 7-1

Editor's note—Subsection (c) provided for staggered appointments of one and two years for the original appointees under this section.

Sec. 7-62—7-69. Reserved.

ARTICLE VII. ENVIRONMENTAL HEALTH ADVISORY COUNCIL

Sec. 7-70. Definitions.

For the purposes of this section, the following words shall have the meanings respectively ascribed to them:

Public building: Any building owned or operated by the city including municipal and school buildings. (Ord. No. V-222, 1-19-99; Rev. Ord. 2007, § 2-333)

Sec. 7-71. Establishment and purpose.

There is hereby established an environmental health advisory council to advise the commissioner of health and human services, commissioner of public buildings, and the design review committee on environmental health issues within public buildings, including, but not limited to, indoor air quality, and to make recommendations to the foregoing officials with respect to planning concerning indoor environmental health issues. The council shall also oversee monitoring in regard to environmental health issues within public buildings and shall report to the mayor and the city council at least annually and upon request. (Ord. No. V-

222, 1-19-99; Ord. No. X-175, 05-26-05; Rev. Ord. 2007, § 2-334)

Sec. 7-72. Functions.

(a) The environmental health advisory council, in furtherance of its purpose, shall assist the commissioner of health and human services and commissioner of public buildings in the performance of the following tasks:

- (1) creating a uniform complaint intake form to be used to report indoor environmental health incidents or conditions;
- (2) reviewing city health and human services department reports relating to environmental health incidents or conditions within public buildings;
- (3) compiling a database of environmental health incidents and complaints;
- (4) developing a plan to notify the public when indoor air quality issues arise within public buildings;
- (5) planning construction to minimize negative impact on indoor environmental health;
- (6) reviewing scientific literature relative to indoor environmental health quality issues;
- (7) preparing a written report to the city council and mayor at least annually and reporting to the board and the mayor at such other times as may be requested by the board or the mayor.

(b) The annual report to the city council and the mayor shall include, but not be limited to, a summary of the prior year's activities and written recommendations for the coming year with respect to addressing environmental health concerns within public buildings. (Ord. No. V-222, 1-19-99; Ord. No. X-175, 05-26-05; Rev. Ord. 2007, § 2-335)

Sec. 7-73. Meetings.

The environmental health advisory council shall meet no less than two (2) times per year and such additional times as may be requested by the commissioner of health and human services, or the city council, or the mayor. (Ord. No. V-222, 1-19-99; Ord. No. X-175, 05-26-05; Rev. Ord. 2007, § 2-336)

Sec. 7-74. Composition, terms.

There shall be six (6) ex-officio members of the environmental health advisory council, the commissioner of health and human services, commissioner of public buildings, and commissioner of parks, recreation and culture or their designees; one member who shall also be a member of the Newton advisory council of health, appointed by the commissioner of health and human services; one member who is also a member of the school committee, appointed by the chairperson of the school committee; one member who is also a member of the design review committee and preferably who has professional expertise in the field of environmental or mechanical engineering with experience in addressing indoor air quality issues, appointed by the mayor. There shall be two (2) at large members of the council, one appointed by the mayor, and one selected by the city council. Each of the at-large members shall serve coterminously with the terms of their respective appointing authority. The commissioner of health and human services shall serve as the chairperson of the council. (Ord. No. V-222, 1-19-99; Ord. No. X-175, 05-26-05; Rev. Ord. 2007, § 2-337; Ord. No. B-53, 03-02-20)

Secs. 7-75—7-79. Reserved.

**ARTICLE VIII.
COMMUNITY PRESERVATION COMMITTEE**

Sec. 7-80. Establishment, duties and organization.

(a) The Newton community preservation committee (“CPC”) is hereby established to carry out the functions and duties of such a community preservation committee as provided in General Laws chapter 44B, the Community Preservation Act, including,

- (1) The community preservation committee shall study the needs, possibilities and resources of the city regarding community preservation.
- (2) The community preservation committee shall make recommendations to the city council for funding of projects that involve open space, historic resources, land for recreational use, and community housing and that meet the other requirements in General Laws chapter 44B, including that such funds shall not be used for maintenance.
- (3) It is the intent of this ordinance that, to the extent possible, projects using CPA funds seek to leverage other funding resources. CPA funds shall not replace existing operating funds, only augment them.

(b) The committee shall annually elect one of its members to serve as chairperson and may elect such other officers, adopt procedural rules and regulations and establish any subcommittees as it deems appropriate. (Ord. No. W-66, 11-19-01; Rev. Ord. 2007, § 2-350)

(c) The CPC and city council shall evaluate all requests for project funding from the community preservation fund in the same manner, in accordance with the goals of the Community Preservation Act and the guidelines and procedures established by the CPC.

(d) The CPC shall meet annually with the city council, separately from review of project funding recommendations and the annual budget, to review the status of the community preservation fund, Newton’s community preservation program, and the ordinance. The city council may request additional meetings with the CPC as needed.

Sec. 7-81. Composition; eligibility, terms of office, term limits.

(a) The committee shall consist of nine members, as follows:

- (1) The conservation commission, planning and development board, housing authority, historic commission and parks and recreation commission shall each designate one of its members, who may be an alternate member, to serve as a member of the committee (the “statutory members”).
- (2) The remaining four members (the “appointed members”) shall be appointed by the mayor with approval of the city council in accordance with section 7-1 of the city ordinances. The appointed members shall include at least one citizen who has expertise or demonstrated interest in open space, at least one citizen who has expertise or demonstrated interest in outdoor recreation, at least one citizen who has expertise or demonstrated interest in historic preservation and at least one citizen who has expertise or demonstrated interest in affordable housing. In making such appointments, the mayor shall be guided by the goals that the committee’s overall membership includes persons with relevant professional expertise and represents the diversity of the City’s residents and neighborhoods.
- (3) No appointed member shall be an employee or elected official of the City.

(b) Members shall serve for terms of three (3) years or until their successors shall take office. Appointments shall allow for staggered terms.

(c) No person shall be eligible to serve as a member for more than three (3) consecutive full terms.

(d) Appointed members who remove their residence from the City shall be considered to have resigned from the committee.

Sec. 7-82. Mechanisms for legislative approval or veto.

(a) The CPC shall transmit recommendations for expenditure of community preservation funds to the city council and shall provide a copy of such recommendations to the Mayor.

(b) The city council shall refer each CPC funding recommendation to appropriate council committees, including the finance committee, for review.

(c) After receiving a project funding recommendation from the CPC, the city council may approve appropriations from the community preservation fund for an amount up to and including that recommended by the CPC; may vote not to appropriate the recommended funds; or may hold the item and return the funding recommendation to the CPC for revisions.

(d) The city council may also condition its approval of community preservation funds on the availability of such additional non-community preservation funds as have been designated by their authorizing bodies for application to the project.

Sec. 7-83. Administration and operations

(a) In response to the annual program budget proposed by the CPC, the city council shall make appropriations from the community preservation fund as it deems necessary for the CPC's administrative and operating expenses, including staffing. Such appropriations shall not exceed five (5) per cent of the annual revenues in the community preservation fund.

(b) City departments hosting staff positions funded by CPC administrative and operating expenses shall collaborate with the CPC in finalizing job descriptions and organizational structure for said positions. The CPC Chair and up to one other appointed member of the CPC shall participate in the hiring process for the Community Preservation Program Manager. Only candidates who are acceptable to both CPC participants in the hiring process shall be forwarded to the Mayor for consideration.

Sec. 7-84.

The provisions of this Article shall be interpreted and applied at all times consistently with the provisions of Chapter 44B of the General Laws, as Chapter 44B may be from time to time amended, and with the provisions of any relevant general or special law.

(Ord. No. W-66, 11-19-01; Rev. Ord. 2007, § 2-352; Ord. No. B-41, 10-07-19)

Editor's note—Ord. No. W-66 provided that sections 2-350 through 2-352 take effect on January 1, 2002.

Secs. 7-85—7-89. Reserved.

**ARTICLE IX.
NEWTON FARM COMMISSION**

Sec. 7-90. Purpose; definitions.

(a) This section establishes the Newton Angino Community Farm (“the Farm”) and sets forth operating parameters for the Farm.

(b) The Farm shall be located on the parcel of land located at the corner of Nahanton Street and Winchester Street purchased by the city from the Angino family in 2005 using Community Preservation Act funds (“the Site”).

(c) The Farm shall be operated by the city for the purposes of:

- (1) Making locally-grown produce available to Newton residents and the surrounding community;
- (2) Educating the public about sustainable and ecologically-sound agriculture and environmental practices, including serving as an outdoor classroom for Newton students to learn about locally-grown produce and ecologically-sound agriculture practices; and
- (3) Preserving the historic character and culture of the last working farm in Newton.

(d) For purposes of this section, “locally-grown produce” shall refer to farm products originating on the Farm or elsewhere in Massachusetts. (Ord. No. X-148, 05-02-05; Rev. Ord. 2007, § 2-360)

Sec. 7-91. Farm Commission; establishment; duties; composition.

(a) The Newton Farm Commission (“the Commission”) is hereby established. The Commission shall implement the purposes set forth in this section and manage the operation of the Farm, as herein described.

(b) The Commission’s authority and duties shall include but not be limited to:

- (1) Developing a business plan for the operation of the Farm that is designed to achieve the purposes set forth in this section without placing an additional burden on the operating budget of the city;
- (2) In the event that the decision is made to contract the Farm’s operation to an outside entity, the Commission shall establish a procedure for the selection of said entity, which procedure shall be provided in writing to the city council. The Commission shall conduct the selection process, at the conclusion of which the Commission shall execute a written agreement between the city and said entity, subject to the approval of the mayor;
- (3) Any such contract, as described in paragraph 2, shall require that the contractor at its expense provide the Commission with the following financial reports:
 - a) detailed quarterly revenue and expenditure reports, in a format approved by the City Comptroller, not later than 30 days after the end of each calendar quarter;
- (4) The Commission shall meet with the Commissioner of Public Buildings at least semi-annually to review with him the condition and needs of the existing buildings on the Site and to discuss the construction of any contemplated future buildings for the Site.
- (5) The Commission shall oversee the operating expenses and revenue associated with the operation of the Farm and provide to the mayor and city council annual written reports pertaining to the Farm’s operation and performance with regard to the Farm’s purposes, as set forth in this section.

- (6) The Commission shall develop policies and procedures for the operation of the Farm. The Commission shall hold a public hearing on the initial set of policies and procedures prior to their adoption. This public hearing requirement shall be applicable to subsequent amendments to substantive matters of policy but shall not be applicable to amendments to matters of procedure. The Commission shall also provide in writing to the mayor, city council, and city clerk the final version of the policies and procedures upon their adoption.
 - (7) The Commission shall make all reasonable efforts to comply with the standards for organic processes outlined by the Baystate Organic Certifiers.
 - (8) The Commission shall afford the public the opportunity to purchase produce at the Site.
- (c) The Commission shall consist of nine (9) members as follows:
- (1) One at-large citizen appointee of the city council who will serve a three (3) year term.
 - (2) One (1) member of the Conservation Commission, one (1) member of the Historical Commission, and one (1) member of the Parks & Recreation Commission, each of whom shall be selected by the members of the body they represent. They shall each serve for terms of three (3) years or until their successors shall take office. However, in order to provide for staggered terms, the initial appointments shall be as follows:
 - a) The designee of the Historical Commission shall serve for a one (1) year term; the designee of the Conservation Commission shall serve for a two (2) year term and the designee of the Parks and Recreation Commission shall serve for a three (3) year term.
 - (3) The remaining five members shall be appointed in accordance with section 7-1 of the city ordinances. The appointed members shall include at least one citizen with expertise in farming or agriculture, at least one citizen with expertise in finance or accounting, at least one citizen with expertise in operating a retail or wholesale business, and at least one member with expertise in sustainable environmental practices.
- (d) Appointed members shall serve for terms of three (3) years or until their successors shall take office. However, in order to provide staggered terms for appointed members, the initial appointments shall be as follows: One member shall be appointed for a one year term; two members shall be appointed for a two year term; and two members shall be appointed for a three year term. (Ord. No. X-148, 05-02-05; Ord. No. X-166, 08-08-05; Rev. Ord. 2007, § 2-361; Ord. No. A-17, 04-01-13)

Sec. 7-92. Historical Commission Review of Farm Improvements.

Proposed changes to the exterior of structures on the Site as well as any proposed new construction on the Site shall be subject to review by the Newton Historical Commission for consistency with the Farm's historic character. Prior to implementation of proposed improvements, the Farm Commission shall consider any recommendations of the Historical Commission and provide, in writing, to the Historical Commission, mayor, and city council its reasons for rejecting any such recommendations that are not accepted. The provisions of this paragraph will be superseded by any ordinance adopted to provide Historical Commission authority over city owned properties of a historic nature. (Ord. No. X-148, 05-02-05; Rev. Ord. 2007, § 2-362)

Secs. 7-93—7-99. Reserved.

**ARTICLE X.
AFFORDABLE HOUSING TRUST**

Sec. 7-100. Establishment and purpose

There is hereby established under General Laws Chapter 44, Section 55C a Municipal Housing Trust Fund (the “Trust”) for the purpose of the creation and preservation of affordable housing for the benefit of low and moderate income households as defined by the Department of Housing and Urban Development (HUD) and for the funding of community housing, as defined in and in accordance with the provisions of chapter 44B, the Community Preservation Act. Preservation and creation of affordable housing shall include but not be limited to programs designed to further housing rehabilitation and/or development opportunities and those that are designed to directly assist low and moderate homeowners and renters.

Sec. 7-101. Board of trustees – Composition; eligibility; appointment; terms of office; term limits

- A. There shall be a board of trustees which shall consist of seven (7) trustees, including the Mayor, a City Councilor designated by the City Council President, and the remaining five (5) Trustees to be appointed by the Mayor and confirmed by City Council as follows:
1. A member of the Community Preservation Committee; and
 2. Four (4) Newton residents. In making such appointments, the Mayor shall be guided by the goal that the board of trustees be geographically, culturally, ethnically, and linguistically diverse and each appointee have one or more of the following qualifications:
 - a. Experience with affordable housing production, planning, architecture, law, lending, business, property management, social and human services, capital planning, and construction management;
 - b. Professional experience in affordable housing finance and development;
 - c. Professional participation as a funder, developer or consultant in successfully completed projects that include deed-restricted affordable housing;
 - d. Experience with all-affordable, mixed-income housing, and/or mixed-use development projects that include housing; and
 - e. Familiarity with Massachusetts and HUD affordable housing funding sources and regulatory requirements, specifically CDBG and HOME, LIHTC, and 40B.
- B. Trustees shall serve without compensation.

*Editor’s Note – Boards and Commissions are found throughout the ordinances: City council, Ch. 2; design review committee, Ch. 2 investment advisory committee, Ch. 5; designer selection committee, Ch.5; advisory council of health, Ch. 12; biosafety committee, Ch. 12; human rights commission and advisory council, Ch. 12; institutional biotechnology committee, Ch. 12; youth commission, Ch. 12; council on aging and advisory board, Ch. 14; Jackson Homestead trustees, Ch. 13; library trustees, Ch. 16; Newton commonwealth foundation trustees, Ch. 18; traffic council, Ch. 19; parks and recreation commission, Ch. 21; urban tree commission, Ch. 21; conservation commission, Ch. 22; economic development commission, Ch. 22; historical commission and district commissions, Ch. 22; planning and development board, Ch. 22; urban design commission and advisory board, Ch. 22; board of assessors, Ch. 27; taxation aid committee, Ch. 27; zoning board of appeal, Ch. 30. The financial audit advisory committee may be found in the standing orders of the city council.

- C. Trustees shall serve for terms of two (2) years or until their successors shall take office. Initial appointments shall be so appointed that, as nearly as possible, the terms of an equal number of members shall expire every year. Any odd numbered initial appointment shall be for a term of one year.
- D. The Trust shall annually elect one of its members to serve as chairperson and may elect such other officers, adopt procedural rules and regulations, and establish any subcommittees as it deems appropriate. (Ord. No. W-66, 11-19-01; Rev. Ord. 2007, § 2-350)
- E. Trustees who remove their residence from the City shall be considered to have resigned from the board of trustees.
- F. The Trustees shall consider the state of housing needs in Newton across the affordability spectrum. It may make recommendations to the Mayor and City Council on the options available to the City to create new affordable housing to address those needs and to maintain existing affordable housing stock. The Trust may support implementation of these recommendations as appropriate and measure progress toward their fulfillment.

Sec. 7-102. Powers and duties

The board of trustees shall be possessed of all the powers and subject to duties in accordance with the provisions of General Laws Chapter 44, Section 55C, as it may be amended from time to time.

No real property purchased in whole or in part with Community Preservation Act (CPA) funds shall be acquired by the board of trustees for a price exceeding the value of the property as determined by the board of trustees through procedures customarily accepted by the appraising profession as valid.

Sec. 7-103. Funding Sources and Uses

- A. The Trust may receive funding from any or all of the following sources:
 - 1. CPA funds
 - 2. Inclusionary zoning payments
 - 3. Negotiated developer fees
 - 4. Payments from special bylaws/ordinances
 - 5. Private donations
 - 6. Grants
- B. Notwithstanding any general or special law to the contrary, all moneys paid to the Trust in accordance with any zoning ordinance or private contributions shall be paid directly into the Trust and need not be appropriated or accepted and approved into the Trust. General revenues appropriated into the Trust become Trust property, and to be expended these funds need not be further appropriated. All moneys remaining in the Trust at the end of any fiscal year, whether or not expended by the trustees within one year of the date they were appropriated into the Trust, remain Trust property.
- C. The Trust will submit an annual application for CPA funding for all community housing uses allowed by the CPA legislation. Once the City Council has approved CPA funding for Trust activities, no further review or approval will be necessary for the Trust to expend the funding so long as the proposed use is an allowed use for community housing funds under the Community Preservation Act legislation.

- D. The Trust is authorized to expend any or all of its allocated funding to meet the affordable housing goals of the City by a majority vote of the Trustees. No further reviews or approvals are necessary for the expenditure of Trust funds.
- E. The Trust will submit annual reports to the CPC and City Council on how and where Trust funding has been used. In the case of CPA funding, the Trust will work closely with the Community Preservation Program Manager to see that all CPA funding is documented and the uses confirmed as required by the CPA funding legislation.

Sec. 7-104. Administration and operations

- A. The Trust shall meet on a regular basis at least four (4) times a year or as needed to enact the duties of the Trust.
- B. The Trust shall establish an application process for projects requesting Affordable Housing Trust funds and develop clear review requirements and procedures for all projects based on the established program guidelines and the City's affordable housing goals.
- C. The Trust may expend funding on an annual or rolling basis at the Trustees discretion so long as it follows an established funding process.
- D. The Trust shall evaluate all requests for project funding from the Affordable Housing Trust fund in the established process, in accordance with the goals of the City and the guidelines and procedures established by the Trust.
- E. The City shall provide staff support to the Trust to oversee all of the administrative duties and requirements for operating and administering the Trust Fund as stated above.

Sec. 7-105. Legal Status

- A. The Trust is a public employer and Trustees are public employees for purposes of Chapter 258 of the Massachusetts General Laws.
- B. The Trust shall be deemed a municipal agency and the Trustees shall be deemed as special municipal employees for purposes of Chapter 268A of the Massachusetts General Laws.
- C. The Trust is exempt from Chapters 59 and 62 of the Massachusetts General Laws, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the commonwealth or any political subdivision thereof.
- D. The Trust is a governmental body for purposes of Sections 23A, 23B and 23C of Chapter 39 of the Massachusetts General Laws.
- E. The Trust is a Board of the City for the purposes of Massachusetts General Law Chapter 30B and MGL c. 40, § 15A; but agreements and conveyances between the Trust and agencies, boards, commissions, authorities, departments and public instrumentalities of the City shall be exempt from said Chapter 30B of the Massachusetts General Laws.

Sec. 7-106.

The provisions of this Article shall be interpreted and applied at all times consistently with the provisions of

Chapter 44, Section 55C, of the General Laws, as may be from time to time amended, and with the provisions of any relevant general or special law. (Ord. No. B-93, 12-06-21)